JOURNAL

OF THE

House of Representatives

OF THE

COMMONWEALTH OF KENTUCKY

REGULAR SESSION OF 1952

VOL. II

Held in the State Capitol, in the Capital City of Kentucky, at Frankfort, in the Year of Our Lord 1952 and in the One Hundred and Fifty-Sixth Year of the Commonwealth

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Begun on the Eighth Day of January, 1952, and Adjourned Sine Di on the Twenty-First Day of March, 1952

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THURSDAY, FEBRUARY 7, 1952

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Paul S. Stauffer Pastor of the First Christian Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bill Adams	Walter J. Chyle, Jr.	Wm. P. Friedlander
Dr. John Adkins, Jr.	Lewis W. Combest	Leslie Gay
J. Everett Bach	Marvin A. Cornett	Henry J. Giles
Sidney Baer	R. Josh Cosby	Chas. M. Greene
John Rhea Banton	Charles M. Crowe	Henry C. Hale
Clarence J. Barnum	J. C. Denney, Jr.	Eugene B. Hancock
Owen Billington	C. E. Dowell	George F. Harris
Wm. W. Blanton	James A. Dressman, Jr.	John Head
J. C. Bradley	Thomas R. Duncan	Farmer Helton
Ed. T. Breathitt	R. L. Dunigan	William K. Henry
Edward O. Bridgers	Jack Early	Thomas D. Hewlett
Thomas L. Britton	William Engle	Henry R. Heyburn
Mrs. Mary E. Burnete	Roscoe Estep	E. R. Hilton
Alex H. Calvert	Herbert Fern	Ray Holbrook

Chester J. Holsclaw	Thomas J. Murphy	E. H. (Ted) Stumbo
William M. Horn	Ewin C. Neville	Egbert V. Taylor
Paul S. Jonas	Bart N. Peak	Albert Thomason
William L. Jones	Louis T. Peniston	William F. Threlkeld
Jennings Kearby	Hobart Rayburn	J. B. Veech
James W. Lambert	Tipton Reed	Eulick (Mike) Walsh
Paul M. Lewis	J. F. Robinson	Wm. Thos. Wathen
Mrs. J. T. Linton	Earl Rogers	W. W. Webster
Harry K. Lowman	Joe Rouse	Morris Weintraub
William Maglinger	Carl J. Ruh	Hicks Wells
Shelby McCallum	Amos Runyon	William B. Wells
G. Lee McClain	Cecil Sanders	W.A.(Pete)Wickliffe
Russell L. Meadows	Clem Schroader	Charles W. Wirsch
Tom Mobley	Gus F. Sheehan, Jr.	Walker H. Wiseman
Robert H. Moore	Dr. B. F. Shields	Garrett L. Withers
Walter R. Moorman	John A. Sloan	Charles W. Burnley,
Fred H. Morgan	E. A. Spencer	Speaker
Earl F. Murphy	Mrs. Thelma Stovall	94

Mr. Engle moved that Larry Lee Combs of Hazard, Kentucky, be made an Honorary Page of the General Assembly for the 1952 Session.

Said motion was agreed to.

Mr. Barnum moved that the reading of the Journal of the proceedings of Wednesday, February 6, 1952, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Lowman moved that H. B. No. 199 and H. B. No. 138 be recommitted to the Commitee on Kentucky Statutes No. 2.

Said motion was agreed to.

Mr. Greene moved that when the House do adjourn today, that it adjourn out of respect to Mrs. Flem D. Sampson, who passed away February 6, 1952.

Said motion was agreed to.

Mr. Sanders moved that the flag now flying over the capitol, be replaced by a new flag, due to the conditions of said flag.

Mr. Ruh amended Mr. Sanders' motion to also include the cleaning of the flag behind the Speaker's Chair.

Said motion was agreed to.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced, viz:

By Mr. Calvert.

H. B. No. 284. AN ACT relating to Game & Fish.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1 Section 150.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Angling" means the taking or attempting to take fish by hook and line in hand, rod in hand, set line or trot line, but does not include the use of grabbling hooks, gang hooks, snag lines, gigs, or nets of any kind.

(2) "Buy" includes offering to buy, acquiring or possessing through purchase, barter, exchange or trade.

(3) "Commission" means the Department of Fish and Wild Life Resources Commission.

(4) "Commissioner" means the Commissioner of the Department of Fish and Wild Life Resources.

(5) "Device" means any article, instrument or equipment of whatever nature or kind which may be used to take wild animals, wild birds or fish.

(6) "Department" means the Department of Fish and Wild Life Resources.

(7) "Grabbling" means the taking of fish by hooking, snatching or snagging by the use of one or more single or multi-barbed hooks on either a hand or pole line.

(8) "Gigging" means the taking of fish by spearing or impaling on any pronged or barbed instrument attached to the end of a rigid pole.

(9) "Impounded waters" means any public waters backed up by a dam constructed and used for hydroelectric purposes or for the purpose of flood control.

(10) "Navigable waters" means any waters within this state under lock and dam.

(11) "Non-Resident" means a person who has not resided in this state for one year prior to his application for a license.

(12) "Noodling" or "tickling" means the taking of fish from any stream or body of water by hand and without the use of any artificial device.

(13) "Minnows" means all fish under six inches in length, except bass (large and small mouth and Kentucky), rock bass or goggle-eye, trout, crappie, jack salmon, walleye pike or striped bass, sand pike or sauger or muskellunge.

(14) "Public waters" means all waters within the state flowing in a natural channel stream.

(15) "Raw Fur" means a hide, fur or pelt of a fur bearing animal which has not been processed by an established commercial processor. Skinning, stretching, oiling or coloring by the person who took the animal shall not be considered as processing.

(16) "Resident" means any person who has resided in this state for one year prior to his application for a license.

(17) "Rough Fish" means any fish other than black bass (large mouth, small mouth or Kentucky) and crappie, jack salmon or walleye pike, striped bass, sand pike or sauger and muskellunge, rock bass or goggle-eye.

(18) "Sell" includes offering to sell, having or possessing for sale, barter, exchange or trade.

(19) "Snag Line" means any set line anchored at one or more terminal points in any stream or body of water which contains one or more hooks, either single or multi-barbed, and which is used without bait.

(20) "Take" includes pursue, shoot, hunt, wound, kill, trap or capture in any way; and any lesser act designed to lure, attract or entice for such purposes, to place, set, aim or use any device, animal substance or agency which may be reasonably expected to accomplish such acts; every attempt to do such acts or to assist any other person in the doing of or the attempt to do such acts.

(21) "Transport" shall include the offering or receiving for transportation.

(22) "Wild Bird" and "Wild Animal" include such wild bird or wild animal or any part thereof.

(23) "Wild Life" means any wild bird, wild animal, fish, amphibian or other form of aquatic life protected or unprotected by this chapter.

(24) "Regulation" means a written regulation adopted by the Commissioner with the approval of the Commission.

(25) "Prescribed by the Department" means established by a regulation or regulations.

(26) "Hunting" means to take or attempt to take in any manner, whether the hunter has game in possession or not.

(27) "Fishing" means to take or attempt to take in any manner, whether the fisherman has fish in possession or not.

Sec. 2 Section 150.015 of the Kentucky Revised Statutes is amended to read as follows:

The declared purpose of this Act, and the policy of the Commonwealth of Kentucky, is to protect and conserve the wild life of this Commonwealth so as to insure a permanent and continued supply of the wild life resources of this state for the purpose of furnishing sport and recreation for the present and for the future residents of this state; to promote the general wel-

fare of the Commonwealth; to provide for the prudent taking and disposition of wild life within reasonable limits, based upon the adequacy of the supply thereof; to protect the food supply of this state, and to insure the continuation of an important part of the Commonwealth of this state which depends upon the existence of its wild life resources. It is further the declared purpose of this act, and the policy of this Commonwealth, that an adequate and flexible system be installed to accomplish the aforesaid purposes. All of the provisions of this Act shall be liberally construed in such manner as most effectually to carry out its purposes and intent.

Sec. 3 Section 150.021 of the Kentucky Revised Statutes is amended to read as follows:

There is created an agency of the state government to be known as the Department of Fish and Wild Life Resources, which shall constitute a statutory administrative department of the state government within the meaning of Chapter 12 of the KRS. The department shall consist of a Commissioner, a Fish and Wild Life Resources Commission and such Conservation Officers and other agents and employees as are provided for in this chapter. The department shall enforce the laws and regulations adopted under this chapter relating to wild life and shall exercise all powers necessarily incident thereto.

Any powers conferred by this chapter upon the Department of Fish and Wild Life Resources, the Fish and Wild Life Resources Commission, or the Commissioner of the Department of Fish and Wild Life Resources shall be exercised subject to the provisions of KRS chapters 42, 45, 56 and 64, which chapters shall in all respects be controlling, and any reference in those chapters to the Division of Game and Fish, the Game and Fish Commission, or the Director of the Division of Game and Fish shall be deemed to refer, respectively, to the Department of Fish and Wild Life Resources, the Fish and Wild Life Resources Commission, and the Commissioner of the Department of Fish and Wild Life Resources.

Sec. 4 Section 150.022 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Fish and Wild Life Resources Commission shall consist of nine members, one from each Wild Life District, as set out by the Commissioner with the approval of the Commission, and not more than five of the same political party.

(2) The Governor shall appoint the members of the Commission. Each of such members shall be appointed for a term of four years. All persons who shall be members of the Game and Fish Commission upon the effective date of the 1952 Act by which this section was amended shall continue to serve as members of the Fish and Wild Life Resources Commission until such time as their respective terms as members of the Game and Fish Commission would normally have expired.

(3) Vacancies through the expiration of terms of the members of the Commission shall be filled by appointment by the Governor from a list of five names from each Wild Life District, recommended and submitted by the Sportsmen of each respective district. When the term of a member expires, the Commissioner shall call a meeting of the Sportsmen in that district not later than thirty days prior to the expiration of such member's term. Notice of the meeting shall be given by publication at least two times in a newspaper having state-wide circulation, at least thirty days prior to the date set for the meeting. At such meeting, the Sportsmen in attendance shall select and submit to the Governor a list of five residents and citizens of the district who are well informed on the subject of wild life conservation and restoration. The Governor shall appoint a successor to the member whose term is about to expire within sixty days following the submission to him of the list hereinabove referred to, and in no event later than August 13th.

(4) In the event of vacancies other than by expiration, the Governor shall fill the vacancy for the unexpired part of the term from the names remaining on the list previously submitted for the district from which the vacancy arose.

(5) Each member of the Commission shall take the constitutional oath of office.

(6) The Governor may remove any member of the Commission for inefficiency, neglect of duty, or misconduct in office; but shall first deliver to such member a copy of all charges in writing and afford to him an opportunity of being publicly heard in person or by counsel in defense of such charges, upon not less than ten days notice. If a member shall be removed, the Governor shall file in the office of the Secretary of State a complete statement of all charges made against such member and his findings thereon, together with a complete record of the proceedings.

(7) Each member of the Commission shall be entitled to reimbursement for actual and necessary traveling and other expenses incurred by him in the discharge of his official duties, such expenses not to exceed $500.00 per annum for each member, and to be paid from the Game and Fish fund.

(8) A majority of the Commission shall constitute a quorum for the transaction of any business, for the performance of any duty or for the exercise of any power vested in the Commission.

(9) The Department shall have its principal office in Franklin County, and is authorized to purchase all supplies, equipment and printed forms and to issue such notices and publications as the Commissioner may deem necessary to carry out the provisions of this Chapter.

(10) The word "sportsman" as used in this section shall mean a resident hunter or fisherman who has been licensed in Kentucky for each of the past two consecutive years.

Sec. 5 Section 150.023 of the Kentucky Revised Statutes is amended to read as follows:

(1) The members of the Commission shall meet in Frankfort quarterly, upon a date to be determined and fixed by the Commissioner, or as often as may be necessary for the transaction of business, upon reasonable notice to each member of such meetings.

(2) The Commission shall conduct civil service examinations for all employees in the Department.

(3) The Commission shall at all times keep a watchful eye upon the Department of Fish and Wild Life Resources, and advise the Commissioner to take such action as may be beneficial to the Department and in the interest of wild life and conservation of natural resources.

(4) The Commissioner, with the approval of the Commission, shall establish such divisions and sub-divisions, and shall employ such experts, clerks and other employees as he deems necessary for the conduct of the work of the Department and for the effectual accomplishment of the declared purposes of this Chapter, and shall fix the compensation of all employees of the Department, to be paid out of the Game and Fish Fund.

(5) The Commissioner, with the approval of the Commission shall authorize such scientific and other studies as he deems necessary, and shall collect, classify and disseminate such statistics, data and information as in his discretion will tend to promote the objects of this chapter.

(6) The Commissioner, with the approval of the Commission, shall have the exclusive power to expend for the protection, conservation, propagation and restoration of game, birds, fish and fur bearing animals, and amphibians all funds of the state acquired for the protection, conservation, propagation or restoration of birds, animals and fish, arising from licenses, gifts or otherwise.

Sec. 6 Section 150.024 of the Kentucky Revised Statutes is amended to read as follows:

The Department shall have the right to acquire such property as may be necessary to carry out the purpose of this Chapter, and it shall have the right of eminent domain as provided in KRS 416.010 to 416.080.

Sec. 7 Section 150.025 of the Kentucky Revised Statutes is amended to read as follows:

If the Commissioner, with the concurrence of the Commission, and after giving due regard to the public recreation and

sport afforded thereby, the economic value and breeding habits of any species, class, type or breed of wild life, either native or imported, finds that the supply thereof has become unduly depleted or finds that, because of adverse weather conditions, floods, disease, fire, inadequate food supply, breeding conditions, lack of cover, unequal distribution, excessive destruction or wide-spread violations of the Fish and Wild Life laws or for any other reason, there is serious danger that the continued supply thereof may be depleted, the Department shall adopt such regulations as may be necessary and proper to restore supply or to prevent the further depletion thereof. Such regulations may be made to apply to a limited area or to the entire state.

(2) In carrying out the provisions of this section the Department may, by regulations:

(a) Fix, close, terminate, shorten or divide open season, or make open seasons conditional:

(b) Regulate bag or creel limits and possession limits:

(c) Regulate buying, selling or transporting:

(d) Regulate the size or type of any device used for taking, and regulate any method of taking:

(e) Regulate or restrict the places where taking is permitted:

(f) Regulate taking, or the opening or closing of seasons in waters in which the Department is conducting experiments or making improvements for the purpose of promoting the conservation of wild life and increasing the supply thereof:

(g) Make any other regulations reasonably necessary to implement or carry out the purposes of this Chapter.

(3) Regulations adopted under this section shall be subject to the provisions of KRS 13.020, but no regulation adopted under this section, except where an emergency is declared to exist under subsection (4), shall become effective immediately after it has been filed with the Secretary of State unless otherwise specified. When any regulation which applies to the entire state is adopted under this section, the Commissioner immediately shall cause a copy thereof to be published once in two

different newspapers having a general circulation in this state. When any regulation which applies to a limited area is adopted under this section, the Commissioner shall immediately cause a copy thereof to be published once in at least one newspaper of general circulation in each county in which a part of the area is located. The Commissioner also shall file two copies thereof with the county court clerk of each county in which the regulation is applicable, one copy of which shall be posted on the courthouse door or bulletin board. As soon as practicable, and within the budgetary limits of the Department, the Commissioner shall furnish additional copies of any regulation adopted by the Department to the county court clerk of each county in which the regulation is applicable, for distribution to sportsmen and other persons; and the Commissioner shall furnish copies to any person or organization requesting the same. Except as provided in subsection (5), each regulation adopted hereunder shall remain in effect until rescinded, unless otherwise provided in the regulation.

(4) If the Commissioner, with the concurrence of the Commission, finds that an emergency exists, a regulation may be made to become effective when specified after it has been filed in the office of the Secretary of State. In such cases, the regulation shall state the circumstances which give rise to the emergency. Such emergency regulation shall not remain in effect for a period longer than sixty days unless renewed, and each renewal thereof shall be limited to a period of sixty days. Renewals shall be made in the same manner as the original regulation.

(5) The date on which any regulation becomes effective after filing with the Secretary of State, shall be immediately or as specified in the regulation.

(6) The fact that any person has not received actual notice of the contents of or the adoption of any regulations under this section shall not excuse any violation of the provisions of the regulations and shall not be a defense to a prosecution for a violation thereof.

Sec. 8 Section 150.061 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commission shall appoint a Commissioner of the Department of Fish and Wild Life Resources, who shall be a man with knowledge of and experience in the requirements for the protection, conservation and restoration of the wild life resources of the state. The Commissioner shall serve for an indefinite term, subject to removal by the Commission for the same cause and in the same manner in which the Governor may remove a member of the Commission.

(2) The Commissioner shall receive such compensation as the Commission may determine, and shall be reimbursed for all actual and necessary travel and other expenses incurred by him in the performance of his official duties.

(3) Before entering upon the duties of his office, the Commissioner shall take and subscribe to the constitutional oath of office, and shall, in addition thereto, swear or affirm that he holds no other public office, nor any position upon or under any political committee or party.

(4) The Commissioner shall have general supervision or control of all activities, functions and employees of the Department of Fish and Wild Life Resources. He shall enforce all provisions of the laws of the state relating to wild animals, birds and fish, and shall exercise all powers necessarily incident thereto not specifically conferred on the Commission. The Commissioner shall make an annual report of all receipts and disbursements to the League of Kentucky Sportsmen.

Sec. 9 Section 150.071 of the Kentucky Revised Statutes is amended to read as follows:

(1) The members of the Fish and Wild Life Resources Commission shall constitute, ex officio, a Civil Service Commission, for the Department of Fish and Wild Life Resources.

(2) The Commission shall prescribe, propound, and conduct such examinations as are properly commensurate with positions within the Department of Fish and Wild Life Resources.

(3) The time and place for holding such examinations shall be fixed by the Commission, and notice thereof shall be given at least ten days prior to the fixed date by announcements through newspapers of the state, through press releases, and

through distribution in any other manner the Commission may deem necessary. Such announcements shall state a time and place, the qualifications required of applicants, and all pertinent facts relating to the positions to be filled.

(4) The Commission shall establish a uniform system of grading all examinations given under this section, and shall, as soon as practicable after the giving of such examinations, grade the applicants and certify to the Commissioner an eligible list of all applicants so examined who have made passing grades. The one passing the examination with the highest average grade shall be listed first and all others shall be listed numerically according to the results of the examinations.

Sec. 10 Section 150.072 of the Kentucky Revised Statutes is amended to read as follows:

(1) All appointments of the Department of Fish and Wild Life Resources shall be made by the Commissioner from among the three highest names on the eligible list provided for in KRS 150.071.

(2) No appointment shall be made to any position in the Department of Fish and Wild Life Resources except from the eligible list provided for in subsection (4) of KRS 150.071.

(3) Whenever the Commissioner shall determine that an emergency exists, he may make emergency appointments. Such emergency appointments need not come from the eligible list; however, in no case shall an emergency period exceed ninety days.

Sec. 11 Section 150.080 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner may appoint from the eligible list provided for in subsection (4) of KRS 150.071, as many conservation officers as may be necessary to enforce the Fish and Wild Life laws in an efficient manner in accordance with this chapter.

Sec. 12 Section 150.081 of the Kentucky Revised Statutes is amended to read as follows:

While retaining the right to vote as he may please and to

express privately his opinion of all political subjects and issues, no employee or officer of the Department of Fish and Wild Life Resources, including the Commissioner, shall take any active part in political management or political campaigns, nor shall he use his office or influence for the purpose of interfering in any election or affecting the results thereof, or for the purpose of coercing the political action of any body or person.

Sec. 13 Section 150.083 of the Kentucky Revised Statutes is amended to read as follows:

(1) For violation of orders or failure to perform duties, the Commissioner may suspend any employee for a period of time not to exceed two months, or may impose a fine of not more than two months pay, or impose both fine and suspension. Conservation Officers may also be demoted for violation of orders. For a second or subsequent violation of orders or failure to perform his duties, the accused shall be dismissed by the Commissioner.

(2) Nothing in this chapter is intended to prevent the Department from decreasing the number of employees, when in the opinion of the Commission and the Commissioner it is necessary to the efficient operation of the Department. When the numbers are so decreased, the youngest in point of service shall be the first to be released and shall be placed at the head of the eligible list in the order of their seniority.

Sec. 14 Section 150.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) Conservation Officers or other persons appointed by the Commissioner and all Peace Officers and their deputies shall enforce the provisions of this chapter. They may arrest on sight, without a warrant, any person detected by them, or any of them, in the act of violating any of the provisions of this chapter. They shall have the same rights as Sheriffs to require aid in arresting with or without process any person found by them violating any of the provisions of this chapter and may seize without process anything declared by this chapter to be contraband. No liability shall be incurred by any person so charged and directed.

(2) Conservation Officers and other officers charged with the enforcement of this chapter shall have authority to call for and inspect the license or badge of any person engaged in any activity for the performance of which a license is required under this chapter and to call for and inspect any and all fire arms being carried upon the person of any person so engaged.

(3) No person shall resist, obstruct, interfere with or threaten or attempt to intimidate or in any other manner interfere with any officer in the discharge of his duties under the provisions of this chapter.

Sec. 15 Section 150.095 of the Kentucky Revised Statutes is amended to read as follows:

All conservation officers are hereby authorized to keep and bear arms upon their person, concealed or otherwise, in the same manner as all other peace officers, and to exercise the use of such arms to such extent as the same may be necessary in the discharge of their duties.

Sec. 16 Section 150.100 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner, all personnel of the Department and all officers and other persons appointed by the Commissioner may execute any process issued by a court, enforcing the provisions of this chapter or any law relating to the propagation or protection of Fish and Wild Life in the same manner as any constable or sheriff. To accomplish that purpose they may call any peace officer or other person to their aid.

Sec. 17 Section 150.105 of the Kentucky Revised Statutes is amended to read as follows:

Notwithstanding any other provisions of this chapter, the Commissioner may, with the approval of the Commission, authorize Conservation Officers or any other person to destroy or bring under control in such manner as he deems necessary any wild animal, fish, or wild birds, protected or unprotected, which are causing damage to persons, property, or other animals, fish or birds and which in his judgment should be eliminated or controlled to prevent further damage.

Sec. 18 Section 150.110 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner and Conservation Officers may arrest without warrant anyone violating any of the provisions of KRS 150.490 to 150.520 or any of the rules or regulations made by the Department of Fish and Wild Life Resources for the protection of mussels under this chapter. They may inspect mussels in any warehouse, boat, store, car or receptacle when they have good cause to believe that any of the provisions of KRS 150.490 to 150.520 or any of the rules or regulations made thereunder have been or are being violated. This authority does not include the right to enter any dwelling house without a search warrant. When such officers find mussels in the possession of anyone in violation of this chapter, the mussels shall be confiscated and sold in the manner provided by KRS 150.120 for the sale of confiscated fish and game.

Sec. 19 Section 150.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner, all Conservation Officers, persons appointed by the Commissioner, and all peace officers and their deputies shall seize and take possession of any and all furs, fish, wild animals, wild birds, guns, dogs, instruments, boats or devices which have been taken, used, transported or possessed contrary to any law or regulation adopted under this chapter. Upon complaint showing probable cause for believing that any of the wild animals or wild birds protected by any law or regulation are illegally kept in any building, car or receptacle, any court having jurisdiction may issue a search warrant and cause the same to be searched. Any wild birds, wild animals, fish, furs, guns, dogs, instruments, or devices seized in accordance with this section shall be impounded by the arresting officer and shall be taken before the court trying the person arrested.

(2) Upon conviction, the court or jury trying the case shall have the discretion of determining whether or not any of the things seized under the provisions of subsection (1) of this section shall be declared contraband. Any animal, bird, fish, fur or dog taken, and any device used or possessed contrary to the provisions of this chapter, or any regulations adopted here-

under, is subject to being declared contraband. When any such item is declared contraband, the court shall enter an order accordingly. A copy of the order shall be forwarded to the Commissioner and the contraband shall be placed in the custody of the arresting officer, to be delivered to the Commissioner.

(3) The Commissioner may sell to the residents of this state, at the highest market price obtainable, with the approval of the Governor and the Director of Purchases and Public Properties, all contraband which comes to his possession under the order of any court, or which has been seized under this chapter and declared to be contraband under any law relating to fish or wildlife. All proceeds arising from the sale of contraband articles shall be paid into the Game and Fish Fund. A record of the sale, including the name of the purchaser and the price paid, shall be kept by the Commissioner.

(4) Any device or contrivance, the use of which is not expressly recognized and sanctioned by the provisions of this chapter for the taking of fish, amphibians, birds, or animals, is hereby declared to be an illegal device. No person shall have in his possession while taking any wild birds, wild animals or fish any illegal device or other thing prohibited by law or by any regulation adopted under this chapter for the taking of wild birds, wild animals or fish.

Sec. 20 Section 150.130 of the Kentucky Revised Statutes is amended to read as follows:

All county attorneys and commonwealth's attorneys shall enforce the provisions of this chapter and all regulations adopted hereunder, and they shall be paid for their services in this regard in the manner specified in KRS 150.160.

Sec. 21 Section 150.140 of the Kentucky Revised Statutes is amended to read as follows:

Each Justice or Clerk of the Court before whom any prosecution under this chapter for the violation of any law or regulation for the protection of wild life, animals, birds or fish may be commenced or shall go on appeal shall, within twenty days after a decision has been rendered therein, report in writing to the Commissioner the result of the prosecution, the amount of

fine collected or penalty imposed, if any. All moneys collected as fines or penalties for the violation of any law or regulation, which according to law goes to the Game and Fish Fund, shall be paid within thirty days to the Commissioner by the court, justice or other officer collecting or receiving the moneys, and the same shall be paid by the Commissioner to the State Treasurer within thirty days thereafter.

Sec. 22 Section 150.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in this chapter, all moneys derived from the sale of licenses or from any other source connected with the administration of this chapter shall be promptly paid over to the State Treasurer, who shall deposit such moneys in a special fund, known as the Game and Fish Fund. The Game and Fish Fund shall be used to carry out the purposes of this chapter and any law or regulation for the protection of wild animals, birds or fish, and for no other purpose.

(2) All funds received under KRS 150.110 and 150.490 to 150.520 shall be used by the Department for the purpose of enforcing those sections and for the protection and propagation of mussel beds. Any surplus remaining in the fund at the close of each calendar year shall be turned into the general fund of the Department.

Sec. 23 Section 150.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any fine imposed for the violation of this chapter shall, when collected, be divided as follows: Forty Percent shall be given to the County Attorney or Commonwealth Attorney who is present and prosecutes the case and the remaining sixty percent to the Commissioner, to be paid into the Game and Fish Fund. If no county or commonwealth attorney actually prosecutes, the entire fine shall be paid into the Game and Fish Fund.

(2) In the event that an appeal is taken to the circuit court from any conviction imposed pursuant to the provisions of this chapter, and in the further event that the same officer who prosecuted the violation to a successful conclusion in the lower

court is not charged with and does not handle the continued prosecution of the same in the circuit court, then forty percent of such fine as may be finally imposed in the circuit court shall, when collected, be divided equally among all of the officers actively participating in the prosecution of said case in both the lower and circuit courts.

(3) Every judgment entered upon the trial of any violation of this chapter shall recite whether or not the county attorney or the commonwealth attorney, or both, was present and actively prosecuted the action on behalf of the Commonwealth. Unless there is such an entry on the judgment book of the court showing the presence and participation of such officer or officers in the trial, none shall be entitled to any part of the fine.

Sec. 24 Section 150.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in sub-sections (2), (3), (4), (5) and (6) of this section and subject to regulations adopted under this chapter, no person shall do any act authorized by any kind of license or permit provided for in this chapter with respect to game and fish unless he holds the kind of license or permit that authorizes such act. It is the specific purpose of this chapter to prohibit the taking or pursuing of any wild life or wild animals, protected or unprotected, or the angling in any stream or body of water, whether public or private, without first procuring the license provided for herein, except to such extent as may be otherwise provided in this section.

(2) A person under sixteen years of age may, without a trapping license, take wild animals by trapping and, without a fishing license, take fish by angling, or take minnows by the use of a minnow seine.

(3) Resident landowners, and resident children and lessees on their lands may, without a fishing license, take fish from the waters thereon by angling, such angling, in the case of public waters, to be from the bank only, and such persons may, without a hunting license, take wild animals and wild birds therefrom (except by trapping), subject to the further provisions of this chapter.

(4) Residents or non-residents attending and participating in any annual state or national field trial may so attend and participate without obtaining a hunting license.

(5) Any resident of this state who is sixty-five years of age or older may, without a hunting or fishing license, do any act authorized by such a license, but while so doing he must carry upon his person an affidavit stating the year and place of his birth.

(6) The provisions of this chapter for the protection of wild animals shall not apply to any resident landowner of this state who kills on his land any wild animal that is causing damage to such land or to any personal property situated thereon.

(7) In the event a reciprocal agreement is entered into between the Commissioner of the Department of Fish and Wild Life Resources of this state, with the approval of the Commission, and the similar authority, of the state of Tennessee, pursuant to which persons holding a fishing license (Resident or Non-Resident) or a state-wide hunting license (Resident or Non-Resident) issued in this state are permitted to perform the acts authorized by such license upon so much of the waters of any lake, extending across the boundary between Kentucky and Tennessee, as lies within the State of Tennessee, then any person holding a similar fishing license or hunting license issued in the State of Tennessee may, during the duration of such agreement, perform the acts authorized by such license upon so much of the waters of such lake as lies within this state, without having obtained a license therefor in this state.

Sec. 25 Section 150.175 of the Kentucky Revised Statutes is amended to read as follows:

The kinds of licenses and tags authorized by this chapter, and the acts authorized to be performed under such licenses and tags, subject to the other provisions of this chapter and subject to regulations adopted under this chapter, are as follows:

(1) A state-wide fishing license, which authorizes the holder thereof to take fish by angling, to take minnows by the use of a minnow seine, to take fish by grabbling, gigging and by noodling or tickling, and to take frogs from any waters in any

county of this state open for such purposes and subject to the limitations hereinafter set forth and such additional limitations as the Department may from time to time prescribe.

(2) A ten day fishing license which may be issued only to a nonresident and which authorizes the holder thereof to take fish by angling, grabbling, gigging and noodling or tickling from any of the waters of this state, including the Ohio River, for a period of ten consecutive days, beginning as of a day which shall be stated in the license when issued by the county clerk, and subject to all limitations hereinafter set forth and such further limitations as may be prescribed by regulation of the Department from time to time.

(3) A commercial fishing license, which authorizes the holder thereof to perform any act authorized by a fishing license and to take fish from the navigable streams of the state, but not above the last lock and dam up the stream, by the use of twine seines, twine hoop nets, or snag lines, provided that the holder of such license has first obtained a tag for each seine, hoop net and snag line. Such license shall also authorize the holder thereof to sell fish, other than those protected by this chapter, either at wholesale or retail.

(4) An Ohio River fishing license, which may be issued only to a citizen of Ohio, Indiana or Illinois, and which authorizes the holder thereof to take fish from the Ohio River only by any method authorized under a state-wide fishing license.

(5) An Ohio River commercial fishing license, which may be issued only to a citizen of Ohio, Indiana and Illinois, and which authorizes the holder thereof to exercise in the Ohio River only the same privileges that may be exercised under a commercial fishing license, as defined in sub-section (3) of this section, provided that the holder of such license has first obtained a tag for each seine, hoop net and snag line.

(6) A seine tag, which may be issued only to a person holding a commercial fishing license or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the navigable waters of this state, or from the Ohio River only, as the case may be, one hundred feet

of seine or part thereof. A separate tag shall be required for each one hundred feet of seine or part thereof.

(7) A hoop net tag, which may be issued only to a person holding a commercial fishing license or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the navigable waters of this state, or from the Ohio River only, as the case may be, one hoop net. A separate tag shall be required for each hoop net.

(8) A snag line tag, which may be issued only to the holder of a commercial fishing license, or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the navigable waters of this state, or from the Ohio River only, as the case may be, one snag line. A separate tag shall be required for each snag line.

(9) A live bait dealer's license, which may be issued only to a resident of this state and which authorizes the holder thereof to sell live bait to be used in angling.

(10) A musseling license, which authorizes the holder thereof to take mussels for commercial purposes from any shell bed.

(11) A state-wide hunting license, which authorizes the holder thereof to take or pursue wild animals, in any county of this state, with bow and arrow, gun, gun and dog or dog; and to take wild birds with bow and arrow or with gun; and to participate in a fox hunting party engaged in the hunting or pursuing of foxes with dogs for sport; and to take frogs from any waters open for such purposes, but only in such manner as provided elsewhere in this chapter.

(12) A junior state-wide hunting license, which may be issued only to a resident of this state, before he has reached his or her 16th birthday, and which authorizes the holder thereof to exercise all the privileges authorized by a state-wide hunting license.

(13) A trapping license, which authorizes the holder thereof to take wild animals by trapping upon his own lands or upon the lands of another person. (Provided that the holder of

such license shall have first obtained a written consent as provided in KRS 150.400 and 150.410).

(14) A taxidermist license, which authorizes the holder thereof to engage in the business of preparing, stuffing and mounting, in life-like form, the skins of wild animals.

(15) A commercial guide's license, which may be issued only to a resident of this state, and which authorizes the holder thereof to receive payment or remuneration of any kind for services rendered as a guide for angling or hunting parties.

(16) A fur buyer's license, which may be issued only to a resident of this state, and which authorizes the holder thereof to buy raw furs from trappers and hunters and to sell raw furs so purchased to a licensed fur processor.

(17) A fur processor's license, which may be issued only to a resident of this state, and which authorizes the holder thereof to buy raw furs from a licensed fur buyer, for the purpose of processing, manufacture or retention in cold storage for resale to another licensed fur processor, to process or manufacture such raw furs, or hold them in cold storage, to sell such raw furs to or buy the same from another fur processor licensed in this state, to sell raw furs to a licensed non-resident fur buyer, or to buy raw furs from a non-resident fur processor licensed in the state of his residence to deal in raw furs.

(18) A non-resident fur buyer's license, which authorizes the holder thereof to buy raw furs from persons legally having the same in their possession in this state and to transport or ship the same out of this state.

Sec. 26 Section 150.176 of the Kentucky Revised Statutes is amended to read as follows:

No hunting or fishing license authorized by this chapter shall be issued to the resident of any other state which does not grant to the citizens of this state the privilege to secure license to hunt and fish during any open season in such state.

Sec. 27 Section 150.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as otherwise provided in this section or else-

where in this chapter, and subject to regulations adopted under this chapter, no person, for himself or as the agent or employee of another, shall sell, buy, transport or direct to be transported any wild animal, wild bird or fish protected by this chapter, or any raw fur.

(2) Mussels and fish, other than black bass (large mouth or small mouth and Kentucky) rock bass or goggle-eye, crappie, jack salmon, walleye pike or striped bass, sand pike or sauger and muskellunge may be bought, sold and transported, if in legal possession.

(3) Raw furs, if in legal possession, may be sold by a licensed trapper or licensed hunter to a licensed fur buyer (resident or non-resident), and by a licensed fur buyer to a licensed fur processor or to another fur buyer. A licensed fur buyer may buy raw furs from a licensed trapper or licensed hunter, if in legal possession of the trapper or hunter, and licensed fur processors may buy such furs from a licensed fur buyer or from another licensed fur processor, if in legal possession of such fur buyer or processor, and may buy raw furs from a non-resident fur processor licensed in the state of his residence to deal in raw furs. A licensed fur processor may sell raw furs to another licensed fur processor or to a licensed non-resident fur buyer. A licensed non-resident fur buyer may buy raw furs from any person having the same legally in possession.

(4) Subject to regulations adopted under this chapter, any person authorized by sub-section (3) of this section to sell or buy raw furs may transport, between any points within this state, any such furs legally in his possession. No person may transport or ship raw furs from this state to a point outside this state unless he holds a non-resident fur buyer's license, except that an individual who has lawfully taken a fur bearing animal in this state or who has legally purchased the pelts of fur bearing animals may ship the pelts thereof at any time during the period such pelts may be in his legal possession in this state, to a non-resident fur processor who is licensed in the state of his residence to deal in raw furs, or to a non-resident taxidermist for the purpose of mounting.

(5) Subject to regulations adopted under this chapter, a

person who has been issued a license under this chapter and who has the license on his person may transport anywhere as a part of his personal baggage any wild animals, wild birds or fish legally taken by him under such license, not in excess of the number that the law or regulations permit him to have in possession at any one time.

(6) A person who has legally taken any wild animal, wild bird or fish in another state and who has in his possession the license which authorizes such taking may, if the same be dead, transport the same to this state, as part of his personal baggage at any time during the open season for the particular species in the state in which taken or within ten days after the close of such season. Any person may ship dead game or dead fish so taken subject to the provisions of the laws of the state in which the same was taken and the laws and regulations of the United States relating thereto.

(7) No person shall import or transport into the State of Kentucky or receive shipment in the state from without the state, any type or species of live game, live wild animal, live wild bird or fish, live amphibian, protected or unprotected under this chapter, excepting minnows to be used for bait, without first procuring from the Department a written permit to do so.

(8) This section shall not in any way interfere with the transportation of any wild animals, wild birds or fish bv the authorized officers of the Department of Fish and Wild Life Resources.

(9) Federal regulations shall govern the transportation of all migratory wild birds.

Sec. 28 Section 150.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner may, with the approval of the Commission, adopt the design of all licenses required by this chapter and make all regulations for their issuance. Licenses shall only be issued pursuant to a written application, on a form prescribed

by the Commissioner, subscribed and sworn to by the applicant and giving the following information: Sufficient general description of the applicant to identify him, his name, place of residence and house number. No person shall make a false statement or any false information in the application.

(2) Except as provided in sub-section (3) and (4) of this section, and in sub-section (3) of KRS 150.220, all licenses and tags provided for in this chapter shall be issued by the county clerk. The clerk shall sign the licenses and shall require the persons to whom the licenses are issued to sign their name on the margin. The clerk shall keep a correct and complete copy of all licenses issued in a book to be furnished by the Department, which records shall remain in his office and be open to inspection by the public during regular office hours. No County Clerk shall knowingly make a false entry upon a license or upon a license record or report required by this chapter.

(3) Ohio River fishing licenses and Ohio River commercial fishing licenses, and seine, hoop net and snag line tags for holders of Ohio River commercial fishing licenses shall be issued by the Department directly, or through such person, resident or non-resident, as may be designated by the Commissioner as agent for that purpose.

(4) Commercial guide's licenses, fur buyer's licenses (both resident and non-resident) and fur processor's licenses shall be issued directly by the Department. Any applicant for a commercial guide's license shall be required to present proof to the satisfaction of the Commissioner, in accordance with such regulations as the Commissioner may prescribe with the approval of the Commission, that he is qualified to act as a commercial guide. Any applicant for a fur processor's license shall be required to present proof to the satisfaction of the Commissioner, in accordance with such regulations as the Commissioner may prescribe with the approval of the Commission, that he has sufficient equipment and facilities to engage in the business of processing, manufacture and storage of raw furs.

Sec. 29 Section 150.200 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner shall cause to be delivered to each county clerk, not less than ten days before January 1st of each year, unless otherwise provided, as many licenses, tags and forms as may be required, and charge each clerk for the number issued to him. On or before January 25th of each year each county clerk shall return to the Department all unused licenses, stubs and unused tags which he has received for the preceding year. The licenses and tags shall specify the calendar year for which they are issued and all licenses, tags and permits authorized to be issued by this chapter, whether by the Department or by a county clerk, shall expire on December 31st of that calendar year, except fur buyers license which shall expire July 1st each year.

Sec. 30 Section 150.210 of the Kentucky Revised Statutes is amended to read as follows:

The blank licenses, metal tags and printed matter necessary to carry out the provisions of this chapter shall be prepared under the direction of the Commissioner, subject to the approval of the Director of Purchases and Public Properties and shall be paid for in the same manner as other public printing. All expense arising therefrom shall be charged to the Game and Fish Fund.

Sec. 31 Section 150.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as otherwise provided in KRS 150.175 and 150.176 any of the licenses authorized by this section may be issued either to a resident of this state or to a non-resident, but all licenses issued to non-residents shall bear the word "non-resident" in prominent letters, and fees shall be as respectively provided in this section.

(2) The fees for the licenses provided for in KRS 150.175 shall be as follows:

(a) Fishing licenses

State-wide fishing license (resident)	$ 2.00
State-wide fishing license (non-resident)	5.00

(b) Ten day fishing license

Non-resident only	2.00

(c) Commercial fishing license	
Resident	5.00
Non-resident	25.00
(d) Ohio River fishing license (residents of Ohio, Indiana and Illinois only)	2.00
(e) Ohio River Commercial fishing license	5.00
(f) Seine tag for each one hundred feet of seine or part thereof	
Resident	2.00
Non-resident (holder of Ohio River commercial fishing license)	2.00
Other non-residents	4.00
(g) Hoop net tag	
Resident	1.00
Non-resident holder of Ohio River Commercial fishing license	1.00
Other non-residents	2.00
(h) Snag line tag	
Resident	1.00
Non-resident holder of Ohio River commercial fishing license	1.00
Other non-residents	2.00
(i) Live bait dealer's license (resident only)	5.00
(j) Musseling license	
Resident	10.00
Non-resident	30.00
(k) State-wide hunting license	
Resident	3.00
Non-resident	15.50
(l) Junior state-wide hunting license (resident only)	1.00
(m) Trapping license	
Resident	3.00
Non-resident	15.50

(n) Taxidermist's license (resident only) ---------- 3.00
(o) Commercial guide's license (resident only) ---- 5.00
(p) Fur buyer's license
Resident ---------- 5.00
Non-resident ---------- 75.00
(q) Fur processor's license (resident only) -------- 100.00

(3) The Department may issue a special license without fee to the Chief Executive of the United States or of any other state and to any official of another state, or of the federal government or of a federal agency, whose functions include matters related to the propagation, protection or preservation of game and fish. Such special license shall authorize the performance of any act authorized by a fishing license and a state-wide hunting license. Not more than fifty such licenses may be issued in any one year.

Sec. 32. Section 150.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county clerk or any agent designated by the Department under the provisions of sub-section (3) of KRS 150.190 shall retain as his fee, out of the money received by him for licenses and tags, the following fees:

(a) For each license or tag for which the fee is $1.00, a fee of 15c.

(b) For each license or tag for which the fee is not less than $2.00 nor more than $5.00, a fee of 25c.

(c) For each license for which the fee is over $5.00, a fee of 50c.

(2) The foregoing fees shall cover the swearing of the applicant to his application and of other services under this chapter. The county clerk shall pay the remainder of the license fees, after deducting therefrom his fee, to the State Treasurer on the first day of each month, which amount shall be credited to the Game and Fish Fund. The County Clerk shall report to the Commissioner on the first day of each month the number and kind of licenses and tags issued and the amount of money remitted to the State Treasurer.

Sec. 33 Section 150.235 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall perform any act authorized to be performed by any of the various licenses provided for in this chapter without first procuring the type of license which authorizes the performance of such act and unless at the time of the performance of such act he has the license provided therefor on his person, except that in the case of a fur processor it shall be sufficient if the license is posted in a conspicuous place upon the licensed premises.

(2) No license authorized by this chapter, except a fur processor's license, may be issued except to an individual, and not more than one such license of any particular type may be issued to any individual during a single calendar year. A fur processor's license may be issued to an individual, partnership, firm or corporation, and as many such licenses may be issued to any one individual, partnership, firm or corporation as may be required for the various premises upon which the licensed business is to be carried on. In the case of a fur processor's license, no employee or agent of the person, firm, partnership or corporation in whose name the license was issued shall exercise any privilege authorized by the license at any place other than the licensed premises, unless he has on his person an agent's license card issued by the Commissioner. For the purpose of securing such agent's cards, the holder of the license shall file with the Department an application form, stating the name and giving a general description of each agent or employee who will engage in the transactions authorized by the license. There shall be no fee for the issuance of such agent's cards. The Commissioner, with the approval of the Commission, shall have authority to restrict and limit the number of such cards that will be issued, and to prescribe the terms and conditions under which a card may be issued and used and may revoke any such cards whenever it appears to the Commissioner that the holder thereof is not complying in all respects with the purpose and intent of this chapter.

(3) Wherever in this chapter reference is made to the "holder" of a license, it means the person in whose name the license was issued. No person to whom a license has been issued under this chapter may authorize or permit any other person to carry his license.

Sec. 34 Section 150.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner, with the approval of the Commission, may contract with any landowner of the state, for a specified term of years, to set aside and maintain land as a game refuge. Any such contracts may be recorded in the county court clerk's office of the county in which the land is situated.

(2) The Commissioner with the approval of the Commission may issue permits for public or commercial shooting areas, and shall adopt regulations governing same.

Sec. 35 Section 150.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department, with the approval of the Commissioner of Finance and the consent of the Governor, may enter into any contract with the United States Government, or any department or agency thereof, or with any individual in regard to the preservation, protection and propagation of fish, game, birds or animals, which it may deem to the advantage of the state to enter into.

Sec. 36 Section 150.260 of the Kentucky Revised Statutes is amended to read as follows:

Kentucky assents to the provisions of an Act of Congress entitled "An act to provide that the United States shall aid the states in wild life restoration projects, and for other purposes", approved September 2, 1937. The Department of Fish and Wild Life Resources shall perform such acts as may be necessary to the establishment and conduct of cooperative wild life restoration projects in compliance with said Act and with rules and regulations promulgated thereunder by the Secretary of Agriculture. No funds accruing to the state from license fees paid by hunters shall be diverted to any purpose other than the administration of the Department of Fish and Wild Life Resources.

Sec. 37 Section 150.270 of the Kentucky Revised Statutes is amended to read as follows:

(1) Kentucky consents to the acquisition by the United States by purchase, gift, devise or lease of such areas in Kentucky

as the United States may deem necessary for the establishment of migratory bird reservations in accordance with the Migratory Bird Conservation Act, approved February 18, 1929 (45 Stat. 1222).

(2) Kentucky reserves complete jurisdiction and authority in and over all such areas not incompatible with the administration, maintenance, protection and control thereof by the United States under the terms of Acts of Congress. This section shall in no wise deprive the courts of Kentucky of jurisdiction to try and punish all violations of any of the criminal or penal statutes of Kentucky in such areas.

Sec. 38 Section 150.275 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner may issue to any qualified person a permit to take and transport wild animals, birds or fish at any time for scientific or educational purposes; such permits shall be valid at the discretion of the Commissioner and shall show upon their face the period of their validity. The fee for such permits shall be $1.00.

Sec. 39 Section 150.280 of the Kentucky Revised Statutes is amended to read as follows:

No person shall propagate fish, frogs, fur bearing animals and other game, nor harbor or maintain any protected game or fish in captivity for the purpose of making a pet of the same, or for any other purpose, without first procuring a permit to do so from the Department. The Commissioner shall make and publish regulations governing all such activity. The application for a breeder's permit, or for a permit to harbor and maintain protected game and fish as pets or for any other purpose, shall be in writing, addressed to the Commissioner, signed by the applicant, and shall describe the land or waters owned or leased by the breeder to be used for breeding purposes and shall contain such other facts as may be required by the Commissioner. When it appears that the application is made in good faith, the Commissioner may issue a permit, which shall continue in force for one year unless sooner revoked by the Commissioner for cause, upon payment of a fee of $2.00 and fees for tagging which

shall be fixed by the Commissioner. A fish and game club which enters into an agreement with the Department to operate such a farm, in cooperation with the Department, for the purpose of carrying out the Department's program may, with the approval of the Commissioner, be issued a permit without the payment of any fee. Any permit issued pursuant to this section may be revoked by the Commissioner at any time for a violation by the holder thereof of any of the laws of Kentucky or of any regulation of the Department.

Sec. 40 Section 150.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any breeder may sell and transport fish, frogs, fur bearing animals and other game, alive for propagation, and minnows for bait, and for food purposes during seasons prescribed by the Commissioner. Such fish, frogs, fur-bearing animals and other game shall be identified either by marking their container or by individual tagging, as the Commissioner may prescribe.

(2) No breeder shall sell game procured from other than a licensed propagation farm.

Sec. 41 Section 150.300 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall, without first securing the permission of the Commissioner, enter upon the premises of a propagation farm, game farm or game refuge or fish hatchery and take fish, birds, wild animals or game; or, without the consent of the property owner, enter upon any pond and take fish or amphibians or foul the waters of any pond or farm with a substance injurious to the life or growth of fish or amphibians, or break or destroy any dam, reservoir or embankment or divert the waters or otherwise wilfully damage the farm or pond. No person, except bona fide employees in line of duty, shall go upon the premises of any propagation farm, state game farm, or game refuge or fish hatchery accompanied by a dog of any type or description or while carrying firearms upon or about his person.

(2) It is unlawful for any person to mar, deface, destroy or in any wise damage, or attempt to mar, deface, destroy or

damage any sign or posted notice upon any game farm, game or wild life refuge or fish hatchery in the state.

Sec. 42 Section 150.305 of the Kentucky Revised Statutes is amended to read as follows:

(1) Subject to regulations adopted under this chapter and except as otherwise provided in this section, no person shall have in his possession any wild bird, wild animal or fish protected by this chapter, or any raw fur, except during the open season for the particular species, unless such person be the holder of a valid permit issued pursuant to the provisions of KRS 150.275 or 150.280.

(2) Any person who has legally taken any wild life may have the same in his possession in a frozen food locker, either in his home or in a commercial locker plant, for a period of ninety days after the close of the season for the particular species. The name of the taker, the date of taking, and the number and species of animal or bird must be marked on the package in which the same are stored. Legally imported game or fish may be held in such frozen food locker for a period of time to conform with the requirements of the pure food law, provided, however, that the date of storage with the number of the non-resident license under which such game or fish were taken be attached or stamped upon each package or carcass.

(3) Any person who has legally taken any wild animal, wild bird or fish in another state and who has legally transported or shipped the same to this state in accordance with the provisions of subsection (6) of KRS 150.180, may have the same in his possession, other than in a frozen food locker as above provided, in this state for a period of not more than ten days after the close of the open season in the state in which the same was taken.

(4) Federal regulations shall govern the possession of migratory wild birds.

(5) To facilitate the enforcement of subsection (2) and (3) of this section, the Commissioner, or such agents and employees of the Department as may be designated by him, shall have authority to inspect all commercial frozen food lockers

within the State of Kentucky at such periods and intervals as the Commissioner shall, in the exercise of a reasonable discretion, fix and determine. No search warrant or other legal process shall be required of any properly authorized person as a condition precedent to the making of the inspections herein authorized.

(6) Any person who has legally taken a fur-bearing animal, or the raw fur thereof, may have the same in his possession 15 days following the close of the season.

(7) A licensed fur buyer (resident or non-resident) may buy or have in his possession raw furs 20 days following the close of the season.

(8) A licensed fur processor may buy raw furs from a licensed fur buyer at any time during the period that a fur buyer is authorized by this section to sell raw furs, and the licensed fur processor is further authorized to hold raw furs in cold storage for the purpose of manufacture or processing, or to buy from or sell to another licensed processor, at any time in the year.

Sec. 43 Section 150.310 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any wild bird, whether protected or unprotected, except with bow and arrow or with a gun, which gun shall not be larger than a 10-gauge fired from the shoulder. No birds shall be taken with or by means of any automatic loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof in such manner as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined.

(2) No person shall hunt birds, whether protected or not, with lights or any other means which might be used to blind birds at night.

Sec. 44 Section 150.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any wild bird, (including exotic pheasants and partridges) except game birds for which there is an open season, either under the laws of Kentucky and the regulations of the Department or the laws of the United States, except those birds mentioned in sub-section (2) of this section.

(2) This chapter does not protect or in any way limit the taking of the Copper's Hawk, sharp-shinned hawk, the crow, the starling, the English sparrow or the great horned owl, but any person taking any of them with a gun must have a hunting license and said gun must be plugged to hold not more than three shells in the magazine and chamber combined as specified in KRS 150.310.

(3) No person shall take, disturb or destroy the nests or eggs of any wild birds.

Sec. 45 Section 150.330 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any wild birds except during the open season prescribed by the Department for the particular species. The open season for quail may be between November 1, and February 1st only, and shall not exceed a total of sixty days, consecutive or otherwise. The open season for ruffed grouse or native pheasant may be between November 1st and February 1st only, but shall not exceed a total of sixty days, consecutive or otherwise. There shall be no open season for wild turkey, exotic pheasants or chukar partridge until the Commissioner with the approval of the Commission finds the conditions and population warrant it. Then regulations shall be enacted to govern same. No person shall take quail, ruffed grouse or native pheasant except from sunrise to sunset.

(2) No person shall take, pursue, possess, transport, purchase or sell or attempt to do so, any migratory birds, except as authorized by the Migratory Bird Treaty Act (40 Stat. 755) and regulations under it.

(3) No person over 16 years of age shall hunt any wild ducks, geese or brant unless, at the time, in addition to the appropriate state hunting license, he has on his person a valid Migratory Bird Hunting Stamp of current issue as required by

the Migratory Bird Hunting Stamp Act (48 Stat. 451) as amended.

Sec. 46 Section 150.340 of the Kentucky Revised Statutes is amended to read as follows:

No person shall take more wild birds in any one day than the bag limit prescribed for the species, but the Department shall not prescribe bag limits in excess of the following:

Quail	10
Ruffed Grouse or Native Pheasant	2
Doves	Federal Regulations Apply
Ducks	Federal Regulations Apply
Geese	Federal Regulations Apply
Coots and Gallinule	Federal Regulations Apply
Woodcock	Federal Regulations Apply
Snipe	Federal Regulations Apply

No person shall have in his possession at any time any number of wild birds in excess of the bag limit as prescribed by the Department for the particular species, except that a person who has hunted two or more days in succession may have in his possession a total of not more than twice the bag limit for any one day for such birds, and a person may have in his possession, in cold storage locker as provided in KRS 150.305 a number not exceeding two days' bag limit after the first day of the hunting season; provided, however, that no person shall take more than ten ruffed grouse or native pheasant during any open season for the same.

Sec. 47 Section 150.355 of the Kentucky Revised Statutes is amended to read as follows:

No person shall use ferrets in hunting. No person shall keep a ferret as a pet or for any purpose, unless he has procured a ferret permit from the Commissioner. A permit must be obtained within ten days after the person acquires possession of a ferret and one permit shall entitle the holder to keep any number of ferrets. If the owner of any ferret uses it contrary to the provisions of this chapter, the Commissioner may revoke his permit and confiscate all of his ferrets. Each use of a ferret in hunting shall constitute a separate offense.

Sec. 48 Section 150.360 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any wild animals, whether protected by this chapter or not, except by trapping, gig, bow and arrow, gun, gun and dog, or dog.

(2) No shotgun used in the taking of wild animals, protected or unprotected, shall be larger than a 10 gauge and fired from the shoulder. No wild animals, protected or unprotected, shall be taken with or by means of any automatic-loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof, in such manner as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined.

(3) No person shall hunt wild life (except opossum, and raccoon, and frogs) with lights or other means designed to blind wild life at night.

(4) No person shall take frogs with a gig other than one of the following sizes and dimensions: The gig shall have not more than four prongs; no prong shall be longer than two and one-half inches; the prongs shall be made out of not heavier than 14-gauge wire or metal, and shall not have more than one barb on each prong.

Sec. 49 Section 150.365 of the Kentucky Revised Statutes is amended to read as follows:

No person shall use fire, or any type of explosive, smoke or any noxious gas or substance to molest or destroy the den or hole of any animal, nor shall any person burn a field for the purpose of driving game.

Sec. 50 Section 150.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any wild animal protected by this chapter except during the open season for the particular species as prescribed by the Department. The open season for rabbits may be between November 1st and February 1st only, but

not exceed a total of sixty days, consecutive or otherwise. The open season for mink, opossum, raccoon, skunk, muskrat and red fox may be between November 1st and February 15th only, but shall not exceed a total of sixty days, consecutive or otherwise, except that the Department may allow an additional thirty days in which opossum and raccoon may be hunted and taken by dog only. The open season for squirrel may be between August 1st and January 1st only, but shall not exceed a total of ninety days, consecutive or otherwise. The open season for pond, bull or jumbo frogs shall be such period as the Department may prescribe. There shall be no open season for otter or beaver.

(2) Sub-section (1) shall not apply to persons who hunt red fox at night with dogs for sport and not to kill; but this exception in favor of sportsmen shall not extend to anyone engaged in the business of a fur dealer or a trapper or a professional hunter.

(3) The possession of any wild animals, fur bearers, or the raw fur thereof, when the season is not open for the particular species shall be prima facie evidence that the animal was taken out of open season, but this presumption shall not apply to possession of any such animal or fur by a trapper during the open season as prescribed by the Department and fifteen days thereafter, or by a fur buyer during the open season and twenty days thereafter.

Sec. 51 Section 150.380 of the Kentucky Revised Statutes is amended to read as follows:

No person shall take more squirrels, rabbits or pond, bull or jumbo frogs in any one day than the bag limit prescribed by the Department, but the Department shall not prescribe a bag limit in excess of the following:

Squirrel	6
Rabbits	8
Pond, bull or jumbo frogs	15

No person shall have in his possession at any time more than the number prescribed by the Department except as follows:

(1) A person who has hunted two or more days in succession may have in his possession a total of not more than twice the number allowed by the Department to be taken in any one day.

(2) A person may have in his possession in a cold storage locker, as provided in KRS 150.305, a number not exceeding two days bag limit after the first day of the hunting season.

Sec. 52 Section 150.390 of the Kentucky Revised Statutes is amended to read as follows:

No person shall take, pursue, or attempt to take or pursue or otherwise molest any elk, deer, wild turkey or bear unless the Commissioner, with the approval of the Commission, finds conditions and population that warrant an open season, then regulations shall be enacted to govern same.

Sec. 53 Section 150.399 of the Kentucky Revised Statutes is amended to read as follows:

Any trap, set, used or maintained in violation of the provisions of KRS 150.400 or 150.410 shall be subject to confiscation as contraband under the provisions of KRS 150.120, except that any trap, set, used or maintained without the tag required by sub-section (2) of KRS 150.410 is hereby declared contraband and shall be so treated without any order of court so declaring.

Sec. 54 Section 150.400 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall set, use or maintain, for the purpose of taking wild animals, any steel trap unless the size and type of the trap has been approved, in writing by the Commissioner of the Department of Fish and Wild Life Resources. The Commissioner shall not approve any steel trap:

(a) That has a jaw spread of more than 5¾ inches, or the jaws of which have sharp or jagged edges; or

(b) That has more than one spring for the purpose of closing the jaws or that has a spring which would normally be expected, under ordinary circumstances, to exert a pressure

sufficient instantly to cut through or break the leg of any wild animal protected by this chapter; or

(c) The design of which is such that animals may escape easily therefrom with permanent or fatal injury; or

(d) That does not have a swivel as an integral part of the trap or the retaining chain.

(2) The Commissioner shall approve any commercially manufactured trap which is designed to take animals alive and unhurt or to kill instantly.

(3) Subject to the provisions of KRS 150.410 it shall be lawful to use snares, deadfalls, wirecage or box traps, but no person shall set, use or maintain a snare large enough to take deer, elk or bear.

(4) Manufacturers of and dealers in or persons proposing to use steel traps may submit sample traps and specifications thereof to the Commissioner for approval. From time to time the Commissioner shall file with the Secretary of State a list of traps approved by him, stating the name of the manufacturer, the size, number and other information sufficient to identify the trap, and shall furnish copies of such list to each county court clerk and to any other person requesting copies thereof. At least ninety days prior to the beginning of each open season for trapping fur-bearing animals, the Commissioner annually shall cause to be published once in at least two daily newspapers of general circulation in this state a list of all traps which have been approved by him.

(5) If the Commissioner finds that a trap, a sample or the specifications of which are submitted to him, does not meet the requirements of this section and any valid regulation adopted hereunder, he shall notify, in writing, the person submitting the same of such fact and state his reason therefor. Within thirty days from the date of the Commissioner's ruling, the person seeking his approval may appeal therefrom to the Commission, which shall hold a public hearing thereon. If the Commission sustains the Commissioner, the applicant, within thirty days from the date of the order of the Commission, may appeal to the Franklin Circuit Court by filing a copy of the order of the Com-

mission, together with a copy of the record made before the Commission. The procedure in such appeals shall be governed by the provisions of sections 639a-1, Et. Seq. of the Civil Code of Practice.

Sec. 55 Section 150.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall set a trap on the land of another without written permission of the owner of the land, and he shall exhibit such written consent to any agent or employee of the Department or to any other person lawfully demanding to examine the same.

(2) No person shall set, use or maintain a trap for the purpose of taking wild animals unless there is attached thereto a metal tag giving the name and address of the person setting, using or maintaining trap. The Commission is authorized to furnish such tag, at cost, to applicants therefor.

(3) Each person who sets, uses or maintains a trap or traps for the purpose of taking wild animals shall, within twenty-four hours from the time such traps are set, given a written description of the location of the trap line, or any changes made therein to the Conservation Officer for the county in which the traps are located or to the Commissioner. The owner of the land on which traps are set and resident members of his family shall not be required to comply with the provisions of this subsection.

(4) Each person who sets a trap for the purpose of taking wild animals shall visit the same at least once every twenty-four hours and release any animal found therein.

(5) No person shall set a trap in such manner as unreasonably to endanger the life or safety of any domestic animal.

Sec. 56 Section 150.411 of the Kentucky Revised Statutes is amended to read as follows:

Every licensed taxidermist shall keep a suitable record in which shall be entered the species of each animal mounted by him and the name and address of the person for whom the mounting was done. Within ten days after the end of each

month, he shall send to the Department a report showing the number and name of the animals of each species mounted by him during the preceding month and the name and address of the person for whom each animal was mounted. No animal or bird shall be mounted except during the open season for the particular species, unless a permit be issued therefor by the Commissioner, which permit shall be issued without cost.

Sec. 57 Section 150.412 of the Kentucky Revised Statutes is amended to read as follows:

No commercial guide shall participate in the taking of game or fish protected by this chapter beyond the bag limit or creel limit of the person or persons he is guiding.

Sec. 58 Section 150.415 of the Kentucky Revised Statutes is amended to read as follows:

Every licensed fur buyer shall, upon purchasing any raw fur, issue a receipt to the trapper or hunter from whom he has purchased such furs, setting forth the number and kind of furs, the date of the purchase, the price paid for each fur and the license number of the trapper's or hunter's license. The buyer shall make out a duplicate receipt at the same time and obtain the signature and address on such duplicate of the trapper or hunter from whom the furs were purchased. Not later than March 15 of each year every licensed fur buyer shall submit to the Department of Fish and Wild Life Resources a complete report of all furs purchased during the previous buying season. The report shall contain the total number and value of each type of fur purchased. Failure on the part of any buyer to comply with the provisions of this section shall bar the licensee from obtaining a license for the following year.

Sec. 59 Section 150.416 of the Kentucky Revised Statutes is amended to read as follows:

Every licensed fur processor shall, within fifteen days after January 1st and July 1st of each year file with the Department an inventory of furs in his possession as of such dates. Every licensed fur processor shall also issue receipts for the total number of furs purchased from fur buyers, each of which shall show the license number of the fur buyer from whom purchased.

Duplicates of such receipts shall be sent to the Department with the inventory report.

Sec. 60 Section 150.417 of the Kentucky Revised Statutes is amended to read as follows:

In any prosecution of a nonresident for buying raw fur or furs without a fur buyer's license, proof that such person was in the company of a resident fur buyer at the time the latter purchased a raw fur shall constitute a prima facie evidence that such nonresident was engaged in the business of buying raw furs without a license.

Sec. 61 Section 150.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) The open season for taking rough fish by gigging, grabbling, tickling, noodling shall be prescribed by the Department, by regulation.

(2) Creel limits for rough fish taken by gigging, grabbling, tickling, noodling shall be set by the Department, by regulation.

Sec. 62 Section 150.445 of the Kentucky Revised Statutes is amended to read as follows:

No person shall, within seven hundred yards of the Kentucky Dam on the Tennessee River at Gilbertsville, unless a shorter distance is prescribed by regulation of the Department, nor within two hundred yards of any lock and dam on a navigable stream, take fish other than by pole and line in hand. No person shall place or use any trotline, hand line, set line, throw line or snag line or gig closer to any such lock or dam than the limits hereinabove prescribed.

Sec. 63 Section 150.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) Minnows and crawfish to be used for bait for angling may be taken from the public waters of this state with a twine minnow seine not more than ten feet in length and four feet in width or height, with mesh not larger than one fourth inch, or with a minnow trap not more than three feet in length and eighteen inches in diameter, with an opening not larger than one inch. Any fish caught which are excluded from the definition

of minnows in KRS 150.010 shall be immediately returned, without injury, to the waters from which they are taken.

(2) Any person may take by the use of licensed (twine only) seines, the mesh of which is not less than two inches square or by the use of licensed hoop net (twine only) without wings, (or with wings, neither wing of which shall be longer than twenty feet, in the Mississippi River, Ohio River or any of the overflow lakes of Ballard, Carlisle, Hickman or Fulton Counties), any fish from the navigable streams or waters of this state; provided, however, that no wing nets shall be placed less than one hundred yards from the mouth of any tributary or inlet of the waters hereinabove specified. No person shall take any fish by seines or nets or place any seine or net in any of the above mentioned streams or waters within two hundred yards of the mouth of any navigable stream within the state, nor nearer than seven hundred yards below Kentucky Dam on the Tennessee River at Gilbertsville, unless the Department prescribes lesser limits with respect to such dam, nor within two hundred yards of any lock or dam on a navigable stream, nor above the last lock or dam in any navigable stream. The provisions of this sub-section shall apply to "rough fish" only. Any fish protected by this chapter which may be caught in seines or nets shall immediately be returned, without injury, to the waters from which taken.

(3) No person shall operate or have in possession any seines or nets unless he has procured a commercial fishing license or an Ohio River commercial fishing license and a metal tag for the use or possession of each net or seine, and has complied with the provisions of this chapter. The metal tags shall be affixed to and displayed on the seines or nets at all times. This section shall not be construed to require wholesale dealers or manufacturers to obtain licenses and tags for seines and nets in their possession for the purpose of sale outside of the state, or retail dealers selling legal seines or legal nets.

Sec. 64 Section 150.460 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person, firm or corporation, whether acting in a private or public capacity, shall place or cause to be placed in any public waters any substance that might injure, interfere with

or cause the waters to be unfit for the support of aquatic life. When any employee of a person, firm or corporation, in the course of his employment, places or causes to be placed any such substance in any public waters, his act shall be prima facie evidence of the guilt of both the employee and employer, and either one or both may be punished as provided in paragraph (a) of sub-section (4) of KRS 150.990. Each day that this section is violated shall constitute a separate offense. This section does not apply to employees of the Department of Fish and Wild Life Resources acting in official capacity.

(2) No person shall willfully and knowingly kill, injure, shoot, shock or stun or attempt to kill, injure, shoot, shock or stun any fish through the means of any explosive agent or similar substance.

(3) No person shall willfully place or attempt to place in any of the public waters of the state any substance which has a poisonous effect or intoxicating effect upon aquatic life.

(4) Conservation Officers and other persons appointed by the Commissioner and all peace officers have the authority to enforce KRS 220.580 to 220.990, known as the Water Pollution Control law.

Sec. 65 Section 150.470 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take or have in his or her possession in any one day more fish than the creel limit prescribed in the regulation. The regulation shall also provide the possession limit.

(2) No person shall take or have in his or her possession any fish smaller than the size limit prescribed in the regulation.

Sec. 66 Section 150.485 of the Kentucky Revised Statutes is amended to read as follows:

No person shall sell live bait to be used in angling unless he has obtained from the Commissioner a live bait dealer's license. No live bait dealer shall export any minnows or crawfish from this state or sell them to any nonresident to take the same out of the state.

Sec. 67 Section 150.500 of the Kentucky Revised Statutes is amended to read as follows:

A musseling license shall entitle the holder to operate on any shell bed.

Sec. 68 Section 150.510 of the Kentucky Revised Statutes is amended to read as follows:

On or before December 31st of the year in which any musseling license is issued the holder shall make a written report to the Department of Fish and Wild Life Resources, stating the total weight of mussel shells taken under the license, the names and locations of the waters from which the mussels were taken and the amount received for shells sold. Upon failure of any licensee to make such a report, the Commissioner shall not issue another license until such report is made.

Sec. 69 Section 150.520 of the Kentucky Revised Statutes is amended to read as follows:

The Department shall make such requirements and regulations governing the operations of boats in the taking of mussels as it may deem best for the proper enforcement of this chapter. To prevent depletion of the mussel beds and to insure proper propagation of the mussels, the Department may close any beds to operators at any time and for such length of time as it deems necessary. During such closed season on any bed no one shall take mussels therefrom. When an order is issued closing any mussel bed, due notice of the same shall be published in at least three consecutive issues of a newspaper of general circulation in the county where the bed is located.

Sec. 70 Section 150.525 of the Kentucky Revised Statutes is amended to read as follows:

No person shall engage in the buying of mussel shells or mussels in the shell in this state unless he has in his possession a license authorizing him to do so. The annual fee for such license shall be $100.00 for a resident of this state, and $300.00 for a nonresident of this state. Such license shall be issued by the Department, either directly or through such county court clerks as the Commissioner may designate for the purpose.

Sec. 71 Section 150.590 of the Kentucky Revised Statutes is amended to read as follows:

No person shall have in his possession in this state, or bring

into this state, any gill nets, trammel nets, illegal seines or any steel traps not authorized by the Commissioner; except that a bona fide wholesaler or manufacturer may have any such device in his possession for sale to nonresidents outside of this state.

Sec. 72 Section 150.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each bird, fish or animal taken, possessed, bought, sold or transported and each device used or possessed contrary to the provisions of this chapter or any regulation adopted by the Commission thereunder shall constitute a separate offense. The penalties prescribed in this section shall be for each offense.

(2) Any person who violates any of the provisions of this chapter or any regulations adopted by the Commission hereunder, for which no definite fine or imprisonment is fixed by this section, shall be fined not less than $15.00 nor more than $100.00.

(3) Any person who violates any of the provisions of sub-section (3) of the KRS 150.090 sub-section (2) of KRS 150.180, KRS 150.300, 150.330 or 150.485 shall be fined not less than $25.00 nor more than $200.00 or imprisoned for not more than six months, or both.

(4) (a) Any person who violates any of the provisions of sub-section (1) of KRS 150.460 shall be fined not less than $100.00 nor more than $1,000.00, or imprisoned for not more than six months, or both.

(b) Any person who violates sub-section (2) or sub-section (3) of KRS 150.460 shall be guilty of a felony and upon conviction shall be confined in the penitentiary for not less than one year nor more than three years and shall be fined not more than $500.00.

(5) Any licensee who violates any provisions of this chapter or any regulation adopted by the Commission thereunder shall, in addition to the penalties provided in sub-sections (2), (3) and (4) of this section, forfeit his license.

(6) Any county court clerk who knowingly makes a false entry upon a license record or report, in violation of sub-section

(2) of KRS 150.190 shall be fined not less than $100.00 nor more than $500.00.

(7) Any person who violates the provisions of sub-section (2) of KRS 150.185 shall be fined not less than $15.00, nor more than $100.00.

(8) Any person who violates any provisions of KRS 150.390 shall be fined not less than $100.00, nor more than $1,000.00.

(9) Any person who violates KRS 150.525 shall be fined not less than $25.00, nor more than $200.00 or imprisoned for not more than six months, or both.

(10) Any persons who violate any regulation which has been or may be hereafter adopted by the Commission under any provisions of this chapter or which is adopted to supplement, explain, carry out or limit any provision of this chapter, shall be subject to the same penalty as is provided for the violation of this chapter under which the regulation is adopted or which the regulation supplements, explains, carries out or limits.

Sec. 73 A new section of the Kentucky Revised Statutes is created to read as follows:

All property of whatsoever description and all moneys belonging to or held by another for the use and benefit of the Kentucky Division of Game and Fish shall, upon the effective date of this Act, become the exclusive property of the Department of Fish and Wild Life Resources. All officers, clerks, employees and other personnel employed by the Division of Game and Fish shall, upon the effective date of this Act, continue to hold and occupy the same status with regard to employment in the Department of Fish and Wild Life Resources; and all persons having previously taken and achieved a passing grade on civil service examinations for positions within the Division of Game and Fish, and who have thus obtained a place upon the Civil Service eligible list of said Division, shall continue after the effective date of this Act to hold their respective positions upon the civil service eligible list of the Department of Fish and Wild Life Resources.

Sec. 74 Sections 150.265, 150.398 and 150.480 of the Kentucky Revised Statutes are repealed.

Said bill was ordered printed and referred.

By Mr. Giles.

H. B. No. 285. AN ACT relating to the operation of taxicabs in competition with a common carrier.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 281.805 of the Kentucky Revised Statutes is amended to read as follows:

No person shall operate a taxicab in competition with a common carrier outside of the corporate limits of any city, except another taxicab, over the route or any part of the route covered by the certificate of the common carrier, except for casual trips.

Said bill was ordered printed and referred.

By Mr. Chyle and Thomason.

H. B. No. 286. AN ACT relating to dogs.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any person who retains in his possession or permits to remain on his premises any dog, not legally in his possession, wearing a license for the current year shall within ten days after the dog's appearance give notice of the dog's whereabouts by publication in at least one edition of the newspaper having the largest circulation in the area, or by posting such notice in five public places within the area. The notice shall set out the dog's description, including license number, type of collar, etc., the date when his appearance was first noticed, and the name and address of the person giving the notice.

Section 2. When the owner of any dog recovers him under the provisions of this Act, he shall reimburse the finder for his

expenses in giving the notice required by section 1, and shall pay to such finder twenty-five cents for each day that he fed and cared for the dog.

Section 3. Any person violating section 1 of this Act shall be prima facie guilty of theft or attempted theft of the dog, and any person who fails to give the required notice and willfully conceals or attempts to conceal the dog shall be guilty of theft. Any person convicted under this Act shall be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned for not less than thirty days nor more than six months, or both.

Said bill was ordered printed and referred.

By Mr. Bridgers:

H. B. No. 287. AN ACT relating to the licensing of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Members of the General Assembly of the Commonwealth of Kentucky upon application each licensing year, accompanied by proof of ownership, and upon complying with all other laws of this state relating to registration and licensing of motor vehicles, and upon the payment of an additional license fee of one dollar, shall be issued within ninety days after such application, an additional license plate upon which shall be inscribed the following:: "Member General Assembly, _____ Senatorial (or Legislative) District, Official." After the purchase of such special plate the owner shall be authorized to leave his regular license plate in the custody of the county clerk and attach said special plate to his vehicle. Upon the sale or transfer of such vehicle bearing said special plate the owner shall remove same and obtain from the custody of the county clerk the original plate and attach it to the vehicle to be sold or transferred. Said special plate may be presented to the county clerk and he shall re-issue same for use on any other vehicle owned by such member of the General Assembly.

Section 2. For services performed, the county clerk shall receive from each applicant, in addition to the regular registration fee, the sum of fifty cents for each registration under this Act. A like amount shall be charged for the reissuance of such special license plate after the sale or transfer of the vehicle to which it was originally attached.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 288. AN ACT amending Section 104.390 of the Kentucky Revised Statutes relating to the State Flood Control and Water Usage Board.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 104.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) There is hereby created in the Department of Conservation a board to be known as the Flood Control and Water Usage Board (hereinafter referred to in KRS 104.390 to 104.440 as the Board). The board shall be composed of nine members, who shall be appointed by the Governor, and not more than five of whom shall be of the same political party. One member shall be appointed from each of nine districts which shall be defined by the Commissioner of Conservation with the approval of the Governor.

(2) Upon the appointment of the first members, the Governor shall designate three members for terms of two years, three for three years, and three for four years; thereafter, except for appointments to fill unexpired terms, each appointment shall be for a term of four years. All terms shall be deemed to commence as of July 1. Appointments shall be made of persons who are qualified to represent the interest of the public in matters pertaining to flood control and municipal and industrial water usages.

(3) As advisors and consultants there shall be associated with the board the Commissioner of Highways, the Commissioner of Health, the Director of the Division of Game and Fish and the

President of the University of Kentucky, or their designated representatives. The board shall have the authority to call upon as consultants and advisors any other persons whose qualifications and interests might be of assistance to the board in problems relating to flood control and water usage.

(4) The members of the board shall take the constitutional oath of office, and shall meet within thirty days after their appointment and designate a chairman from among their members and may from time to time change such designation. A majority of the board shall constitute a quorum. The board shall hold at least four regular meetings per year and such additional meetings as may be required, and shall keep a record of its official actions. Members of the board shall receive no compensation for their services, but shall be entitled to traveling expenses, including meals and lodging, necessarily incurred in discharging their duties.

(5) Administrative units and staffs to aid in the performance of the functions contemplated by KRS 104.390 to 104.440 may be established upon authorization of the Governor in accordance with such detailed organization plan as may be determined by the Governor, under the provisions of KRS Chapters 12, 42 and 45. (1948, c. 229, 1; effective June 17, 1948) Flood Control and Water Usage Board is attached to Department of Conservation, KRS 146.020.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 289. AN ACT amending Section 146.090 of the Kentucky Revised Statutes relating to the Soil and Water Resources Commission.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 146.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Soil and Water Resources Commission shall consist of nine members, not more than five of whom shall be of the

same political party, to be appointed by the Commissioner of Conservation from districts which shall be defined by the Commissioner of Conservation with the approval of the Governor.

(2) One member shall be appointed from each of the districts from a list of two names submitted from each such district by the supervisors of the soil conservation districts that have their principal offices therein. All members shall be supervisors of soil conservation districts.

(3) The term of office of each such member shall be four years except that as to the members first appointed the Commissioner of Conservation shall designate three members for terms of two years, three for three years, and three for four years; provided that, whenever a member of the commission ceases to hold the office of district supervisor by virtue of which he is serving on the commission, his term of office as a member of the commission shall be terminated, in which case, and in the case of any other vacancy other than one caused by the expiration of a term, a successor shall be appointed by the Commissioner of Conservation to serve the remainder of the unexpired term.

(4) The members of the commission shall designate a chairman from among their members and may from time to time change such designation. The commission may employ such other officers, employes, and agents as it deems necessary and shall provide for surety bonds for members, the director, officers, employes or agents if entrusted with funds or property, and it shall keep a record of its official actions. A majority of the commission shall constitute a quorum. The commission may call upon the Attorney-General for such legal services as it may require. It may delegate to its chairman, any of its members, the director of the division or any officer, employe, or agent, such powers and duties as it deems proper. Members of the Commission shall receive no compensation for their services, but shall be entitled to expenses, including traveling expenses, necessarily incurred in discharging their duties.

Said bill was ordered printed and referred.

By Mr. McCallum, Billington, Jones, Wm. L., Harris and Morgan.

H. B. No. 290. AN ACT relating to the distribution of In-Lieu Payments made by the Tennessee Valley Authority.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Any County Treasurer receiving payments direct from the Tennessee Valley Authority, as authorized by Section 13 of the Tennessee Valley Authority Act shall apportion and shall pay the funds received to the local taxing units, except cities, on the basis of the average taxes lost on power property as defined by Section 13 of the Tennessee Valley Authority Act. The tax loss on power property for each district shall be obtained from the Tennessee Valley Authority by the County Treasurer.

(2) All payments, except direct payments to a county, received by the Commonwealth from the Tennessee Valley Authority, as authorized by Section 13 of the Tennessee Valley Authority Act shall be prorated in the following manner: ten per cent (10%) to the General Fund of the Commonwealth of Kentucky and ninety per cent (90%) among counties on the basis of the ratio of the book value of the Tennessee Valley Authority property within a county to the total book value of Tennessee Valley Authority property within the Commonwealth. The amount thus prorated to each county shall be distributed twenty per cent (20%) to the incorporated cities within the county, sixty per cent (60%) to the school districts within the county and twenty per cent (20%) to the General Fund of the county. In the event there is more than one incorporated city in the county, the amount allocated to incorporated cities shall be apportioned among such cities in the same ratio that the population of the city bears to the total population of all cities within the county. In the event there is more than one school district within any county, the amount allocated to school districts shall be divided among the school districts within the county in the ratio that the number of pupils of school age within each district bears to the total number of pupils of

school age in the county as determined by the state Department of Education.

(3) At the end of the fiscal year, as soon as the amount of payments to be made to Kentucky is finally determined by the Tennessee Valley Authority, the Kentucky Department of Revenue shall determine the book value of Tennessee Valley Authority proprty in each county and prorate the total payment received from the Tennessee Valley Authority, except payments received directly from the Tennessee Valley Authority by the County Treasurers, among the distributees as provided in subsection (2). The Department of Revenue shall certify the payment due each taxing district to the Department of Finance which shall make the payment to the local taxing district.

(4) "Book value" as used in this section means the cost of all property acquired by the Tennessee Valley Authority less reasonable depreciation and the portion of the cost of all construction and improvements allocable to power, less reasonable depreciation. The "Book Value" shall be determined as of the June 30 preceding payment.

(5) This Act shall become effective June 30, 1954.

Said bill was ordered printed and referred.

By Mr. Wirsch and Sheehan.

H. B. No. 291. AN ACT to authorize and add one additional judge to the circuit court for the seventeenth circuit court district, and providing for the appointment and election thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That one additional judge of the circuit court for the Seventeenth Circuit Court District is hereby authorized and added to said court.

Section 2. Such additional judge shall preside over the Common Law and Equity Division of said court.

Section 3. Within sixty days after this Act shall have be-

come operative, the Governor shall appoint a person having the qualifications of a circuit judge to preside over the Common Law and Equity Division of the Seventeenth Circuit Court District, who, when appointed, shall be commissioned by the Governor as judge of the Common Law and Equity Division of the Seventeenth Circuit Court District, and shall enter upon the duties of the office as soon as he shall have qualified, and shall continue in office until his successor is elected and shall have qualified.

Section 4. An election of such additional judge shall be held at the regular election to be held on Tuesday next after the first Monday in November, 1952, and, after qualifying, as provided by law, the judge so elected shall enter upon the duties of the office at such time as is provided in Section 152 of the Constitution, and continue in office until the first Monday in January, 1958, and until his successor shall have been elected and qualified.

Section 5. The Judge so elected shall be commissioned by the Governor as judge of the Common Law and Equity Division of the Seventeenth Circuit Court District.

Section 6. At the regular election to be held on the first Tuesday after the first Monday in November, 1957, and every six years thereafter, such additional judge shall be elected, as other circuit court judges are required to be elected, and shall enter upon the duties of the office on the first Monday in January next succeeding his election.

Said bill was ordered printed and referred.

By Mr. Shields.

H. B. No. 292. AN ACT relating to the fees of county clerks for duties in connection with tax bills.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 132.550 of the Kentucky Revised Statutes is amended to read as follows:

(1) After the county clerk has completed the services required of him upon delivery of the tax rolls and schedules to him by the county tax commissioner, he shall then calculate the taxes due the state, county, school, county polls and school polls for each individual taxpayer, opposite their name in the tax rolls, upon the form prescribed by the Department of Revenue. The rolls and forms shall be a permanent record of the county clerk's office.

(2) For performing the services required by this section the county clerk shall be paid the sum of fifteen cents for each tax list on the tax rolls, one-half of this sum to be paid by the state, and the other one-half to be paid by the county.

Section 2. Section 133.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county clerk shall be allowed ten cents for each tax bill made out for the sheriff or collector under the provisions of KRS 133.220, and fifty cents for each tax bill made out in case of an omitted assessment. He shall not be paid any part of his compensation by the state where the taxpayer has no property subject to taxation for state purposes.

(2) The county clerk shall present his account to the county court, verified by his affidavit, together with his receipt from the sheriff for the tax bills and his receipt from the Department of Revenue for the recapitulation sheets. If found correct, the court shall allow the account, and order one-half of it paid out of the county levy and the other one-half out of the State Treasury. The county clerk shall certify the allowance to the Department of Finance, which shall draw a warrant on the State Treasurer in favor of the county clerk for the state's one-half.

Said bill was ordered printed and referred.

By Mr. Stumbo.

H. B. No. 293. AN ACT relating to game and fish.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of section 150.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any wild animal protected by this chapter except during the open season for the particular species as prescribed by the division. The open season for rabbits may be between November 1 and February 1 only, but shall not exceed a total of sixty days, consecutive or otherwise. The open season for mink, oppossum, raccoon, skunk, huskrat and red fox may be between November 1 and February 15 only, but shall not exceed a total of sixty days, consecutive or otherwise except that the division may allow an additional thirty days in which oppossum and raccoon may be hunted and taken by dog only. The open season for squirrel may be between September 1 and January 1 only, but shall not exceed a total of thirty days, consecutive or otherwise. The open season for pond, bull or jumbo frogs shall be such period as the division may prescribe. There shall be no open season for otter or beaver.

Said bill was ordered printed and referred.

By Mr. Thomason and Chyle.

H. B. No. 294. AN ACT relating to alcoholic beverage licensees.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Restaurant" means an establishment the principal business of which is the serving of meals to the public. The incidental sale of sandwiches and other food items shall not qualify any licensed premises as a restaurant.

(2) "Loaf" means to spend time in idleness.

(3) "Loiter" means to be slow in moving, delay, linger, saunter, tarry, lag behind; to wander as an idle vagrant; to waste time.

Section 2. (1) Minors under twenty-one years of age shall not be permitted to loaf or loiter, whether accompanied by an adult or alone, in or about the barroom of any premises licensed under KRS Chapter 243 to sell alcoholic beverages by the drink.

(2) This Act shall not prevent minors under twenty-one years of age from patronizing establishments, such as restaurants, grocery stores, drug stores, hotels, private clubs, parks, fairs or public exhibitions where sports or athletic events are conducted.

Section 3. Any person licensed, under the provisions of KRS Chapter 243, to sell alcoholic beverages by the drink who permits or whose employes or servants permits the practice prohibited by subsection (1) of section 2 of this Act, shall be fined not less than fifty dollars nor more than two hundred dollars and evidence of the permitting of such practice shall be competent, relevant and material in any proceeding relative to applications for or revocations or suspensions of licenses.

Said bill was ordered printed and referred.

By Mr. Henry.

H. B. No. 295. AN ACT concerning the designation of a state tree.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The White Oak (Quercus Alba) is the official state tree of Kentucky.

Said bill was ordered printed and referred.

By Mr. Horn.

H. B. No. 296. AN ACT relating to divorce.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (5) of section 403.020 of the Kentucky Revised Statutes is amended to read as follows:

(5) (a) A divorce may be granted to the sane spouse when either the husband or wife has become permanently and incurably insane; provided, that no divorce shall be granted under this subsection unless such permanently incurably insane person shall have been confined in an insane asylum, hospital or other similar institution for a period of not less than five successive years prior to the filing of the petition for divorce, whether such period of time shall have been prior to or subsequent to June 19, 1946, or partly both, nor unless the court shall find from the testimony of two or more physicians competent in psychiatry that such insanity, in their opinion, is permanently incurable. Except that when the insane spouse has been committed upon the testimony of two doctors to an insane asylum, hospital or other similar institution operated within this state by the Veterans Administration, Public Health Service or other Federal agency and has been said by said agency transferred to its asylum, hospital or other facility in another state and has been kept at said place or places of transfer for more than five years and not restored to competency, said facts shall constitute sufficient proof of permanent insanity to authorize the granting of a divorce to the sane spouse.

(b) The petition shall be filed under oath, in the court having jurisdiction over divorce matters in either the county where the plaintiff resides or in the county where the institution is located in which the insane person is confined.

(c) Service of process under this subsection shall be made as provided in Section 53, Kentucky Civil Code of Practice, relating to service of process upon persons of unsound mind.

(d) In cases arising under this subsection the court shall possess all powers which courts of equity now have, or which may hereafter be conferred upon them, relative to alimony, and custody and control and support of infant children of the parties. Where the plaintiff is the husband the court may, when necessary and circumstances warrant, require the plaintiff to pay alimony, support or maintenance for the benefit of said defendant and make provisions for the reasonable expense for

the burial of said defendant, or it may require the plaintiff to give bond to the state of Kentucky, conditioned upon the payment by the plaintiff for the care and maintenance of said defendant during the remainder of her life and necessary funeral expenses. The court may, upon notice, modify or revoke any orders or decrees relating to the custody of infant children and their support and the support and maintenance of the defendant.

(e) Notwithstanding any other provisions of this section, any court of competent jurisdiction may, within its discretion, grant a divorce to the sane spouse of an insane spouse who has been confined for a period of at least three years, provided all the other requirements of subsection (1) to (4), except the five year confinement period, are present.

Said bill was ordered printed and referred.

By Mr. Lambert.

H. B. No. 297. AN ACT relating to absent voting.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 126.140 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Absent voter" means any qualified voter who as a result of active membership in the armed forces expects to be absent from the county in which is situated his voting precinct on the day of holding any election.

(2) "Election" means any regular election, primary election or special election, for any federal, state, district, county or city office, including school district offices, and any election upon a public question.

Section 2. Section 126.160 of the Kentucky Revised Statutes is amended to read as follows:

Applications for absent voter's ballots shall be signed and sworn to by the absent voter before the county court clerk,

or before a civil officer authorized by law to administer an oath. The application shall be substantially in the following form:

"County Court Clerk of _____ County, _____ Kentucky.

"I, _____, state that I am a resident of the State of Kentucky, and have been such for at least one year prior to the date hereof. I am a resident of _____ County and have been such for more than six months prior to said date, and am a resident of _____ precinct of said county (or _____ ward of the city of _____, county of _____) and have been such for at least sixty days prior to said date; that I am a duly qualified voter of said precinct (or said ward), and I am affiliated with the _____ political party; that as a result of active membership in the armed forces I expect to be absent from said precinct or ward on the election to be held in said precinct or ward on the _____ day of _____, 19____, and I will not vote elsewhere at said election. I request that an official ballot be mailed to me at the following address:

_____

(Name and address)

_____

(Rank and unit)

_____

(Voter must sign here, and oath must be administered and attested.)

"Subscribed and sworn to before me this _____ day of _____, 19____.

_____

(Name and Official Title)"

Section 3. Section 126.170 of the Kentucky Revised Statutes is amended to read as follows:

Upon receipt of any application for an absent voter's ballot, the county court clerk shall examine the registration books for the purpose of ascertaining whether or not the applicant is a registered voter as stated in the application. If the county court clerk finds that the applicant is so registered, he shall forward a ballot to the voter as provided in KRS 126.190. If

the applicant is found not to be registered, the county court clerk, upon being satisfied that the applicant is entitled to be registered, shall cause the applicant to be registered, in the registration records of the proper precinct, and shall mark upon such registration records the words, "Absentee Registration." Such registration may be made at any time prior to the election for which an absent voter's ballot is applied for.

Section 4. Section 126.210 of the Kentucky Revised Statutes is amended to read as follows:

The Secretary of State shall cause to be prepared and printed an appropriate number of inner envelopes for absent voter's ballot, for all counties. Each such envelope shall be gummed, ready for sealing. Upon one side of such envelope shall be printed, in substantially the following form:

OFFICIAL ABSENT VOTER'S BALLOT

Name of Voter_____
Residence (street and number, if any)_____
_____
County of_____
City or Town of_____

On the other side of such envelope shall be printed the following oath:

"I do hereby swear (or affirm) that I am a citizen of the United States and am now of the age of at least twenty-one years or will be on the day of the election to be held on the _____ day of _____, 19____, (here insert the day of the election) that I will have been a resident of the State of Kentucky for at least one year next preceding such election, and a resident of the County of _____ for more than six months preceding such election, and a resident of _____ precinct of said county (or _____ ward of the city of _____ County of _____) at least sixty days preceding such election; that I am a duly qualified voter of said precinct or said ward, and I am affiliated with the _____ political party; that as a result of active membership in the armed

forces I expect to be absent from said precinct or ward at the time of said election.

(Voter must sign here, and oath must be administered and attested.)

"Subscribed and sworn to before me this _____ day of _____.

(Official Title)"

Such oath shall constitute prima facie evidence that the voter is qualified to vote, unless the statements contained in such oath indicate the contraray.

Section 5. Section 126.310 of the Kentucky Revised Statutes is amended to read as follows:

Any oath or affirmation required by this chapter to be taken before a civil officer may be taken before any commissioned officer of the Armed Forces. Any officer before whom the same is taken shall subscribe his name and official designation.

Said bill was ordered printed and referred.

By Mr. Engle.

H. Res. No. 31. A JOINT RESOLUTION authorizing the payment of a pauper idiot claim to Nancy Combs, of Cicco, Kentucky, committee for John Combs.

Said resolution is as follows, viz:

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

That Nancy Combs, of Vicco, Kentucky, committee for John Combs, posses a pauper idiot claim in the amount of $37.50 which was allowed by the Perry Circuit Court at the November, 1949 term.

It appearing that the claim was not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that the claim is a just claim against the Commonwealth of

Kentucky, the Commissioner of Finance is hereby authorized and directed to pay the claim when presented by Nancy Combs, of Vicco, Kentucky, and the Statute of Limitations as now provided by law shall not be a bar to the payment of the claim, and the amount necessary to pay it, being $37.50 is hereby appropriated out of the General Expenditure Fund in the State Treasury for that purpose.

Said resolution was ordered printed and referred.

By Mr. Engle.

H. Res. No. 32 A JOINT RESOLUTION authorizing the payment of a pauper idiot claim to Eli Campbell, of Cornettsville, Kentucky committee for Ivan Campbell.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Eli Campbell, of Cornettsville, Kentucky, committee for Ivan Campbell, posses a pauper idiot claim in the amount of $37.50 which was allowed by the Perry Circuit Court at the February, 1950, term.

It appearing that the claim was not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that the claim is a just claim against the Commonwealth of Kentucky, the Commissioner of Finance is hereby authorized and directed to pay the claim when presented by Eli Campbell, of Cornettsville, eKntucky, and the Statute of Limitations as now provided by law shall not be a bar to the payment of the claim, and the amount necessary to pay it, being $37.50, is hereby appropriated out of the General Expenditure Fund in the State Treasury for that purpose.

Said bill was ordered printed and referred.

Report of Enrollment Committee

Mr. Henry on the Committee on Enrollment to which the same had been referred, reported that they had examined and found to be correctly enrolled, bills of the following title, viz:

H. B. No. 36. AN ACT relating to time. This Act shall be known and cited as "The Williams-Moorman Anti-Daylight Saving Time Act."

H. B. No. 69. AN ACT relatingto income taxation.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the Enrolling Clerk of this House deliver said bill to the Senate.

After a time the Enrolling Clerk aforesaid, delivered the original and enrolled copies of said bills duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bill to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

CALENDAR

The House took up for consideration from the Calendar, House Bills of the following titles, viz:

Mr. Lowman moved that the constitutional provision as to the second reading at length of said bills be dispensed with, and said bills be read for the second time by their titles only.

Said motion was agreed to.

H. B. No. 58. AN ACT RELATING to zoning and planning in cities of the second class and in counties containing such a city.

H. B. No. 139. AN ACT concerning stockyards.

H. B. No. 122. AN ACT relating to time payment of Teachers' Retirement annuities.

H. B. No. 177. AN ACT relating to members of police and fire departments in fourth class cities.

H. B. No. 65. AN ACT concerning clerks and treasurers of cities of the fourth class.

H. B. No. 154 Committee Substitute. AN ACT relating to service and sale of natural gas to owners of property where gas wells or gas pipe lines are located.

H. B. No. 41. AN ACT concerning zoning and planning in cities of the first class and in counties containing such cities.

ORDERS OF THE DAY

Mr. Lowman moved that the consideration of House Bills 142 and 145, be passed and that it retain its place in the Orders of the Day.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 150. AN ACT concerning the definition of "Filled Milk."

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 217.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Filled Milk" as used in KRS 217.270 means any milk, cream or skimmed milk, whether or not condensed, evaporated, concentrated, frozen, powdered, dried or desiccated, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat, except the fat or oil of contained eggs and nuts and the fat or oil of substances used for flavoring purposes only, so that the resulting product is an imitation or semblance of milk, cream, skimmed milk, ice cream mix, ice cream, or frozen desserts, whether or not condensed, evaporated, concentrated, frozen, powdered, dried or desiccated, whether in bulk or in containers, hermetically sealed or unsealed.

Mr. Duncan of the Committee on Agriculture, offered the following amendment to said bill, and moved its adoption, viz:

Amendment No. 1. Amend printed copy of H. B. No. 150 on page 2 by inserting immediately following line 15 the following: "Sec. 2. Section 217.270 of the Kentucky Revised Statutes is repealed."

Mr. Morgan moved that the amendment be tabled.

Said motion was disagreed to.

Thereupon, the vote on the motion to adopt the amendment was taken.

Said motion was disagreed.

Said amendment was rejected.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "shall the Main Question be now put?"

Ordered that said bill be read at length for the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The Yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Thomas L. Britton	Thomas R. Duncan
Dr. John Adkins, Jr.	Mrs.MaryE.Burnete	R. L. Dunigan
Sidney Baer	Alex H. Calvert	Jack Early
John Rhea Banton	Walter J. Chyle, Jr.	William Engle
Clarence J. Barnum	Marvin A. Cornett	Roscoe Estep
Owen Billington	R. Josh Cosby	Herbert Fern
Wm. W. Blanton	Charles M. Crowe	Wm. P. Friedlander
J. C. Bradley	J. C. Denney, Jr.	Leslie Gav
Ed. T. Breathitt	C. E. Dowell	Henry J. Giles
Edward O. Bridgers	JamesA.Dressman,Jr.	Chas. M. Greene

Henry C. Hale	Shelby McCallum	Gus F. Sheehan, Jr.
Eugene B. Hancock	Tom Mobley	Dr. B. F. Shields
George F. Harris	Robert H. Moore	John A. Sloan
John Head	Walter R. Moorman	E. A. Spencer
Farmer Helton	Fred H. Morgan	Mrs. Thelma Stovall
William K. Henry	Earl F. Murphy	E. H. (Ted) Stumbo
Thomas D. Hewlett	Thomas J. Murphy	Egbert V. Taylor
Henry R. Heyburn	Ewin C. Neville	Albert Thomason
E. R. Hilton	Bart N. Peak	William F. Threlkeld
Ray Holbrook	Louis T. Peniston	J. B. Veech
Chester J. Holsclaw	Hobart Rayburn	Eulick (Mike) Walsh
William M. Horn	Tipton Reed	Wm. Thos. Wathen
Paul S. Jonas	J. F. Robinson	W. W. Webster
William L. Jones	Earl Rogers	Morris Weintraub
Jennings Kearby	Joe Rouse	William B. Wells
James W. Lambert	Carl J. Ruh	W.A.(Pete)Wickliffe
Paul M. Lewis	Amos Runyon	Charles W. Wirsch
Mrs. J. T. Linton	Cecil Sanders	Walker H. Wiseman
Harry K. Lowman	Clem Schroader	Garrett L. Withers

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up from the Orders of the Day, a bill of the following title, viz:

H. B. No. 104. AN ACT relating to juries in police courts in cities of the second class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to be numbered 29.135 and to read as follows:

In any county containing a city of the second class, the circuit judge, or where the court has divisions, the judge of the

common-law and equity division, shall, at the same time that he draws the names of circuit court jurors pursuant to KRS 29.130, draw sufficient additional names to procure a list of twenty-four names of persons resident within the city. This list of twenty-four names shall be certified by the judge who drew them, sealed in an envelope and delivered forthwith to the judge of the police court.

Section 2. Subsection (2) of Section 26.400 of the Kentucky Revised Statutes is amended to read as follows:

In cities of the second class, the police court may use a jury in any case, and where the penalty may be a fine of twenty-five dollars or more or imprisonment, other than in commutation of a fine, the accused may, at or before the time the case is called for trial, demand a jury. The judge shall direct any police officer to summons from the list of jurors provided pursuant to KRS 29.135, and at least three day before they are required to appear, such number of jurors as the judge shall designate. If necessary to provide time to summons jurors the judge shall continue the case. The court shall have the same power of circuit courts to hold or excuse the attendance of jurors. If the court is unable to obtain a jury from the regular jury panel, the judge may order any police officer to summon sufficient bystanders to complete the jury. Police court jurors shall receive the same fees as are paid to circuit court jurors.

The Committee to which said bill had been referred, offered the following amendment to said bill, viz:

Amendment No. 1. Amend printed copy of H. B. No. 104 page 2, section 2, line 19 and 20 by striking the entire lines 19. and 20 and substituting in lieu thereof, the following:

Jury. Police court jurors shall receive the sum of three ($3.00) dollars per day."

Said motion was agreed to.

Said amendment was adopted.

Mr. Lowman moved the previous Question.

Whereupon, the Speaker announced, "shall the Main Question be now put?"

Ordered that said bill be engrossed and read at length for the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Wm. P. Friedlander	Tom Mobley
Dr. John Adkins, Jr.	Leslie Gay	Robert H. Moore
Sidney Baer	Chas. M. Greene	Fred H. Morgan
John Rhea Banton	Eugene B. Hancock	Earl F. Murphy
Clarence J. Barnum	George F. Harris	Ewin C. Neville
Owen Billington	John Head	Bart N. Peak
Wm. W. Blanton	Farmer Helton	Louis T. Peniston
J. C. Bradley	William K. Henry	Hobart Rayburn
Ed. T. Breathitt	Thomas D. Hewlett	Tipton Reed
Edward O. Bridgers	Henry R. Heyburn	J. F. Robinson
Thomas L. Britton	E. R. Hilton	Earl Rogers
Mrs.MaryE.Burnete	Ray Holbrook	Joe Rouse
Walter J. Chyle, Jr.	Chester J. Holsclaw	Carl J. Ruh
Marvin A. Cornett	William M. Horn	Cecil Sanders
R. Josh Cosby	Paul S. Jonas	Clem Schroader
Charles M. Crowe	William L. Jones	Gus F. Sheehan, Jr.
C. E. Dowell	Jennings Kearby	Dr. B. F. Shields
JamesA.Dressman,Jr.	James W. Lambert	John A. Sloan
Thomas R. Duncan	Paul M. Lewis	E. A. Spencer
R. L. Dunigan	Mrs. J. T. Linton	Mrs. Thelma Stovall
Jack Early	Harry K. Lowman	E. H. (Ted) Stumbo
William Engle	William Maglinger	Egbert V. Taylor
Roscoe Estep	Shelby McCallum	Albert Thomason
Herbert Fern	Russell L. Meadows	J. B. Veech

Eulick (Mike) Walsh	Morris Weintraub	W.A.(Pete)Wickliffe
Wm. Thos. Wathen	Hicks Wells	Charles W. Wirsch
W. W. Webster	William B. Wells	Walker H. Wiseman

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 153. An ACT relating to the establishment of a new city in Campbell County, Kentucky, to embrace certain existing cities and unincorporated territory adjacent thereto, and including provisions concerning an independent district to be embraced within such new city.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is the purpose of this Act to authorize the creation of a new city, which shall come into existence on January 1, 1954, and which shall embrace the following territory in Campbell County:

(1) The cities of Newport, Bellevue, Dayton, Fort Thomas, Southgate, Wilder and Woodlawn, and

(2) All unincorporated territory lying within a rectangular boundary consisting of the Ohio River on the north, the Licking River on the west, a true east and west line touching the southernmost point of the boundary of the southermost one of such cities on the south, and a true north and south line touching the easternmost point of the boundary of the easternmost one of such cities on the east.

Section 2. For the purposes of this Act, the unincorporated territory lying within the boundary of the proposed new city shall constitute a single separate voting unit and, together with

the seven cities enumerated in Section 1, shall comprise the eight voting units which shall vote on the propositions set out in Section 3.

Section 3. At the general election in 1952 the voters of the territory to be embraced in the proposed new city shall vote on the proposition of creating such a city, and on the same ballot shall indicate their preference of a name and type of government for the new city in the event that it is created. The Clerk of Campbell County shall cause a separate ballot to be prepared for the purposes of this section and shall cause to be printed on such ballot the following three propositions:

(1) "Are you in favor of consolidating into a single new city, effective January 1, 1954, the following territory in Campbell County: (a) The cities of Newport, Bellevue, Dayton, Fort Thomas, Southgate, Wilder and Woodlawn, and (b) All unincorporated territory lying within a rectangular boundary consisting of the Ohio River on the north, the Licking River on the west, a true east and west line touching the southernmost part of the boundary of the southernmost one of such cities on the south, and a true north and south line touching the easternmost point of the boundary of the easternmost one of such cities on the east?" with proper squares in which the voter may indicate "Yes" or "No."

(2) A question, in appropriate form, enabling the voter to indicate whether the new city, in the event that it is created, shall operate under the commission or the city manager form of government.

(3) A question, in appropriate form, enabling the voter to indicate his choice of a name for the new city, in the event that it is created, from the names recommended pursuant to Section 4.

The clerk of Campbell County shall also cause to be placed on the ballot an appropriately placed statement that propositions (2) and (3) are to be voted on regardless of how the voter voted on proposition (1).

Section 4. Not later than one hundred and twenty days prior to the general election in 1952 the legislative body of each

of the cities enumerated in Section 1 shall appoint a representative, and the representatives so appointed shall constitute a committee for the purpose of selecting proposed names for the proposed new city. Not later than sixty days prior to the general election the Clerk of Campbell County shall, by sending notice to the legislative body, of each of the cities, call a meeting of the committee at which time not less than two nor more than three proposed names shall be selected. A report thereof shall be filed with the County Court of Campbell County within fifteen days after the meeting, and shall be entered upon the records of the court.

Section 5. If a majority of the voters voting on proposition (1) in each of at least four of the eight voting units vote "Yes," and if a majority of the voters voting on proposition (1) in the entire territory to be embraced within the proposed new city vote "Yes," the new city is thereby created. The new city shall officially come into existence on January 1, 1954, and shall constitute a city of the second class. It shall be governed under the form of government approved by a majority of the voters voting on proposition (2), and shall bear the name receiving the greatest number of votes cast on proposition (3).

Section 6. The provisions of Section 7 through 13 are applicable only if the new city is created.

Section 7. At the general election in 1953 officers for the new city shall be elected from among candidates nominated in a primary election. The then existing primary and general election laws relating to second class cities operating under the commission form of government or the city manager form of government, whichever form is chosen for the new city, shall be applicable, except that if the city manager form is chosen, the newspaper publications required by KRS 89.440 shall be made in the newspaper having the largest bona fide circulation in the territory embraced within the new city. The expenses of the primary election, and such expenses of the general election as by statute are chargeable to a city, shall be prorated among the cities enumerated in Section 1, and the fiscal court of Campbell County, in the ratio that the population of such cities, and the population of the unincorporated territory embraced

within the new city, bears to the entire population of the new city. No primary or general election for city officers of the cities enumerated in Section 1 shall be held in 1953.

Section 8. The terms of any city officers of the cities enumerated in Section 1 which normally would not expire until sometime after January 1, 1954, shall expire on the first day of January, 1954, and the terms of the officers for the new city shall commence on that day.

Section 9. (1) On January 1, 1954, the new city shall take over all the public moneys belonging to all the cities enumerated in section 1. These moneys shall be used by the new city to carry on the usual municipal functions, except, that any part of the moneys held by the several cities which has been budgeted for use in paying on any outstanding indebtedness of any of the cities shall not be used for any other purpose.

(2) The territory embraced within each of the cities enumerated in section 1 shall continue to constitute a separate taxing district for the purpose of paying any outstanding indebtedness of the original city, and the separate indebtedness of each city shall constitute a first lien on the property within such territory. The legislative body of the new city shall fix the tax rate for each of the separate taxing districts, and provide for the assessment of property and the collection of the taxes in the same manner as for regular city taxes. The money collected as taxes for each of the separate taxing districts, as distinguished from the regular city taxes collected from the entire territory embraced within the new city, shall be kept separate and apart and shall be used only in payment of the debts of the respective former cities.

Section Section 10. All territory embraced within the new city shall constitute a single independent school district. At the regular election in 1953, members of the board of education for the district shall be elected within the territory to be embraced within the new city, as provided by law. Two of the members shall serve for a term of only one year and the other three members shall serve for a term of only three years. Upon taking office, the members shall determine by lot which two members shall serve for terms of only one year. The terms of

all school board members in the present independent school districts in the territory embraced within the new city which normally would not expire until sometime after January 1, 1954, shall expire on that date and the terms of the members elected for the new independent district shall commence on that day. The independent school district embraced within the new city shall take over all the assets and legal liabilities of the former separate independent school districts, and shall take over all school property within the new city that formerly was operated by the county school district, and shall assume a proportionate part of the legal liabilities of the county school district. Any tax levies authorized for the payment of interest and retirement of bonds or the provision for sinking funds for such purposes shall continue to be levied and collected over the same respective areas by the new board of education in accordance with the laws under which the levies originally were made until all bonded obligations of the old district or districts have been retired.

Section 11. Any boards, commissions or similar agencies of any of the cities enumerated in section 1, shall, as of January 1, 1954, be abolished; appropriate boards, commissions or agencies of the same or a similar character, authorized by law for cities of the second class, shall be established by the legislative body of the new city in lieu thereof, and all funds and properties of the abolished boards, commissions or agencies shall be transferred to the appropriate new board, commission or agency.

Section 12. All records, supplies, equipment and property of every character of the cities enumerated in Section 1, shall be turned over to the proper officials of the new city. Any city employes having civil service status in any of the cities enumerated in section 1 shall be entitled to continue in the service of the new city in similar status, under an appropriate civil service ordinance to be enacted by the new city. Any pension funds for city employes maintained by any of the cities enumerated in section 1 shall be kept separate and apart by the new city, for the benefit of the employes having an interest therein.

Section 13. In order that the legislative body of the new city may initiate, on a specific date, an integrated, over-all governmental program, it is authorized to make such temporary ad-

justments as are necessary to reconcile the varying taxing procedures and other governmental activities of the individual political units which were incorporated into the new city. Such adjustments may include the levy and collection of taxes for periods of less than a year in certain of the former political units, and other similar action.

Mr. Dressman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read as length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its ttile only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	JamesA.Dressman,Jr.	Paul S. Jonas
Everett J. Bach	Thomas R. Duncan	Jennings Kearby
Sidney Baer	William Engle	Paul M. Lewis
Clarence J. Barnum	Wm. P. Friedlander	Harry K. Lowman
Owen Billington	Henry J. Giles	William Maglinger
Wm. W. Blanton	Henry C. Hale	Russell L. Meadows
Ed. T. Breathitt	George F. Harris	Tom Mobley
Edward O. Bridgers	Thomas D. Hewlett	Robert H. Moore
Mrs.MaryE.Burnete	E. R. Hilton	Walter R. Moorman
Walter J. Chyle, Jr.	Ray Holbrook	Fred H. Morgan
R. Josh Cosby	Chester J. Holsclaw	Earl F. Murphy
C. E. Dowell	William M. Horn	Ewin C. Neville

Louis T. Peniston	Mrs. Thelma Stovall	Hicks Wells
Tipton Reed	E. H. (Ted) Stumbo	William B. Wells
Carl J. Ruh	J. B. Veech	W. A. (Pete) Wickliffe
Cecil Sanders	Wm. Thos. Wathen	Walker H. Wiseman
Gus F. Sheehan, Jr.	Morris Weintraub	Garrett L. Withers
Dr. B. F. Shields		

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Those who voted in the negative were—

Lewis W. Combest	Leslie Gay	Hobart Rayburn
Marvin A. Cornett	Chas. M. Greene	Earl Rogers
Charles M. Crowe	William K. Henry	John A. Sloan
R. L. Dunigan	Henry R. Heyburn	Egbert V. Taylor
Jack Early	James W. Lambert	Eulick (Mike) Walsh
Roscoe Estep	Bart N. Peak	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. Weintraub moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day, a bill of the following title, viz:

H. B. No. 37. AN ACT relating to jury service.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 29.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) The jury commissioners shall take the most recent registered election voters' records for the county and from them carefully select from the intelligent, sober, discreet and impartial citizens in different portions of the county, the following number of names of such persons over twenty-one years of age:

(a) In counties having a population of ten thousand or

less, not less than one hundred and sixty-two nor more than two hundred.

(b) In counties having a population of more than ten thousand and not more than twenty thousand, not less than one hundred and sixty-two nor more than three hundred.

(c) In counties having a population of more than twenty thousand and not more than fifty thousand, not less than five hundred nor more than six hundred.

(d) In counties having a population of more than fifty thousand and not more than one hundred thousand, one thousand.

(e) In counties having a population of more than one hundred thousand, and its circuit court divided into branches, two thousand for each division of the court requiring the services of a jury.

(2) They shall place the name, and in counties containing a city of the first, second or third class, the address, of each person so selected, on a small slip of paper, each slip being as near the same size and appearance as practicable. In counties having courts of continuous session in which the commissioners have employed a typist, the typist shall type the names on the slips; in other counties the commissioners shall write the names on the slips in plain handwriting. Each slip shall be by them enclosed in a small case and deposited, unsealed, in a revolving drum, but before depositing any of the slips in the drum they shall carefully examine its contents and remove and destroy any slips found therein.

(3) The slips of paper upon which are written the names of persons placed by the commissioners upon the lists of grand and petit jurors shall be destroyed by the commissioners as soon as the names are recorded on the list.

Section 2. Subsection (3) of Section 29.040 of the Kentucky Revised Statutes is repealed.

With Committee Amendment thereto, by way of substitute.

Said substitute is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 29.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) The jury commissioners shall take the most recent registered election voters' records for the county and from them carefully select from the intelligent, sober, discreet and impartial citizens in different portions of the county, the following number of names of such persons over twenty-one years of age:

(a) In counties having a population of ten thousand or less, not less than one hundred and sixty-two nor more than two hundred.

(b) In counties having a population of more than ten thousand and not more than twenty thousand, not less than one hundred and sixty-two nor more than three hundred.

(c) In counties having a population of more than twenty thousand and not more than fifty thousand, not less than five hundred nor more than six hundred.

(d) In counties having a population of more than fifty thousand and not more than one hundred thousand, one thousand.

(e) In counties having a population fo more than one hundred thousand, and its circuit court divided into branches, two thousand for each division of the court requiring the services of a jury.

(2) They shall place the name, and in counties containing a city of the first, second or third class, the address, of each person so selected, on a small slip of paper, each slip being as near the same size and appearance as practicable. In counties having courts of continuous session in which the commissioners have employed a typist, the typist shall type the names on the slips; in other counties the commissioners shall write the names on the slips in plain handwriting. Each slip shall be by them enclosed in a small case and deposited, unsealed, in a revolving drum, but before depositing any of the slips in the drum they

shall carefully examine its contents and remove and destroy any slips found therein.

(3) The slips of paper upon which are written the names of persons placed by the commissioners upon the lists of grand and petit jurors shall be destroyed by the commissioners as soon as the names are recorded on the list.

Section 2. Section 29.010 of the Kentucky Revised Statutes is amended to read as follows:

A grand jury shall consist of twelve persons, each of whom must be a citilzen of the county in which he is called to serve and over the age of twenty-one years. No civil officer, except members of boards of education and subdistrict trustees, no surveyor of a highway, tavernkeeper, vender of distilled alcoholic spirits by license, or person who is under indictment or who has been convicted of a felony and not pardoned, shall be qualified to serve as a grand juror. The fact that a person not qualified served on a grand jury shall not be cause for setting aside indictments found by such grand jury.

Section 3. Subsection (2) of section 29.020 of the Kentucky Revised Statutes is amended to read as follows:

(2) No person shall be a qualified juror for the trial of criminal, penal or civil cases in any court unless he is a citizen at least twenty-one years of age, sober, temperate, discreet and of good demeanor.

Section 4. Subsection (3) of Section 29.040 of the Kentucky Revised Statutes is repealed.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only.

Mr. Lowman moved that the further consideration of this bill be deferred until such time as the printed copy of the committee substitute could be placed upon each members desk.

During the said period, that the bill lay on the Clerk's Desk.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill of the following title, viz:

H. B. No. 76. AN ACT relating to the compensation of county tax commissioners.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (6) of Section 132.590 of the Kentucky Revised Statutes is amended to read as follows:

The county tax commissioner shall not retain any part of the compensation allowed his deputies for more than thirty days, nor shall he receive for his personal services incident to any assessment more than $7,200. However, the maximum compensation for any county tax commissioner shall not exceed the highest salary approved by the fiscal court for any other county official.

With Committee Amendment thereto, by way of Substitute.

Said substitute is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (4) of Section 132.590 of the Kentucky Revised Statutes is amended to read as follows:

In the years 1952 and 1953, the compensation of the county tax commissioner shall be computed on the basis of ten cents on each one hundred dollars of the first million dollars and two cents on each one hundred dollars of the excess over one million dollars of the annual assessment. In the year 1954 and thereafter, the compensation of the county tax commissioner shall be computed on the basis of ten cents on each one hundred dollars of the first two million dollars and two cents on each one hundred dollars of the excess over two million dollars of the annual assessment. In counties in which the assessed value of

property exceeds eight million dollars, the county tax commissioner shall be allowed by the state as compensation to his deputies and for other authorized expenditures two cents on each one hundred dollars of the property assessed in excess of eight million dollars but the total sum allowed to any county tax commissioner as deputy hire and for other authorized expenditures shall not exceed twenty thousand dollars in any county except in a county having a city of the first class, which shall be governed by KRS 132.630.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third readingat length of said bill having been dispensed with, said bill was read for the third time by its title only.

Mr. Lowman moved that the further consideration of this bill be deferred until such time as the printed copy of the committee substitute could be placed upon each members desk.

During the said period, that the bill lay on the Clerk's Desk.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 157. AN ACT relating to children, and their care, custody, treatment and disposition; including provisions as to juvenile courts and as to the jurisdiction and powers of other courts concerning children, and provisions for the establishment of agencies and facilities of the state for the administration of state functions regarding children.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. As used in this Act, unless the context otherwise requires:

(1) "Child" means any person who has not reached his eighteenth birthday.

(2) "Court" means the juvenile session of the county court.

(3) "Youth Authority" means the agency of this state so named.

Sec. 2. (1) Except as otherwise provided in this Act, the county court of each county shall have exclusive jurisdiction in proceedings concerning any child living or found within the county:

(a) Who is neglected as to proper or necessary support or education as required by law, or as to medical, psychiatric, psychological or other care necessary for his well-being, or who is abandoned by his parent or other custodian;

(b) Whose occupation, behavior, conditions, environment or associations are such as to injure his welfare or that of others;

(c) Who is beyond the control of his parent or other custodian; or

(d) Who is alleged to have violated or attempted to violate any federal or state law, or municipal ordinance, regardless of where the violation occurred.

(2) Any person who is alleged to have violated or attempted to violate any federal or state law, or municipal ordinance, prior to having reached his eighteenth birthday shall, if proceedings concerning him are instituted prior to his twentieth birthday, be dealt with as provided in this Act for a child.

(3) Nothing in this Act shall deprive other courts of the right to determine the custody of children upon writs of habeas corpus, or to determine the custody or guardianship of children when such custody or guardianship is incidental to the determination of other causes pending in such other courts; nor shall anything in this Act affect the jurisdiction of circuit courts over adoptions and over proceedings for termination of parental rights.

Sec. 3. The county court in the trial and disposition of proceedings concerning children, excepting guardianship proceedings and inquests concerning sanity, shall be called the "juvenile court." A special record book shall be kept by the court for all such cases, to be known as the "juvenile record,"

and the docket or calendar of such cases shall be called the "juvenile docket."

Sec. 4. (1) The clerk of each county court shall be clerk of the juvenile session of the county court. He shall attend all sessions of the court and shall keep a complete and indexed record of its proceedings. For his services the fiscal court shall make him a reasonable annual allowance to be paid out of the county treasury.

(2) In counties having a city of the first or second class, the juvenile court may appoint a stenographer who shall take down in shorthand such evidence offered in the proceedings as the court deems necessary. The stenographer shall make a transcript of the substance of the evidence taken down, and file it with the papers of the proceedings. The stenographer shall perform such other duties as are assigned to him by the county judge and shall receive a salary to be fixed by the fiscal court.

(3) In counties other than those having a city of the first or second class, the juvenile court may, in such individual cases as the court deems advisable, employ a stenographer to take and transcribe testimony. For these services the stenographer shall receive a reasonable fee to be fixed by the court and paid out of the county treasury.

Sec. 5. In counties containing a city of the first or second class, a special courtroom for the juvenile court, and suitable quarters for personnel attached to the court, shall be provided by the fiscal court. The courtroom and quarters may be either in the county courthouse or in some other building.

Sec. 6. All cases involving children shall be dealt with by the juvenile court at separate hearings and without a jury. The hearings shall be conducted in an informal manner, and may be adjourned from time to time. The general public shall be excluded and only such persons admitted as the judge shall find to have a direct interest in the case or in the work of the court. The presence of the child in court may be waived by the court at any stage of the proceedings.

Sec. 7. (1) Whenever any person informs the juvenile court that a child is within the purview of section 2 of this Act,

the court shall make ap reliminary inquiry to determine whether the interests of the public or of the child require that further action be taken. Thereupon the court may make such informal adjustment as is practicable without a petition, or a petition for proceedings concerning the child may be filed by any person. The petition and all subsequent court documents shall be entitled: "In the interest of————, a child."

(2) The petition shall be verified and may be upon information and belief. It shall set forth plainly:

(a) The facts which bring the child within the purview of section 2 of this Act.

(b) The name, age and residence of the child.

(c) The name and residence of each parent.

(d) If the child has a legal guardian other than a parent, the name and residence of such guardian.

(e) If no parent or guardian is known or can be found, the name and residence of the nearest known adult relative of the child.

(f) If the child is in the custody or control of a person other than the parent, guardian or nearest adult relative, the name and residence of such person.

(3) If any of the facts required to be stated in the petition are not known by the petitioner, the petition shall so state.

Sec. 8. (1) After a petition has been filed and after such further investigation as the court may direct, unless the parties appear voluntarily, the court shall issue a summons briefly reciting the substance of the petition and requiring the person who has the custody or control of the child to appear personally and bring the child before the court at a time and place stated. If the person so summoned is other than a parent or guardian of the child, the parent or guardian or both shall also be notified of the pendency of the proceeding and of the time and place appointed. Summons may be issued requiring the appearance of any other person whose presence, in the opinion of the judge, is necessary.

(2) If it appears to the court, at the time the summons is issued, that the child is in such condition or surroundings that his welfare requires that his custody be immediately assumed by the court, the judge may order, by endorsement on the summons, that the officer serving the summons shall at once take the child into custody. In such cases, the child shall be placed in the detention facility provided for under section 13 of this Act, and held therein pending further disposition by the court.

Sec. 9. (1) The summons and notice provided for in section 8 of this Act shall be served personally by the delivery of a copy thereof to the person summoned, unless the judge is satisfied that personal service would be impracticable, in which event the judge may order service by mail addressed to the last-known address, or by publication, or both. Service by mail shall be deemed to be effected upon mailing, and service by publication shall be deemed to be effected upon publication. It shall be sufficient to confer jurisdiction. if service is effected at least 48 hours before the time for appearance specified in the summons or notice.

(2) Service of summons or notice may be made by any suitable person under the direction of the court, and upon request of the court shall be made by any peace officer.

Sec. 10. Any person summoned who, without reasonable cause, fails to appear, may be proceeded against for contempt of court. In case the sumomns cannot be served, or the parties served fail to appear, or in any case when it appears to the judge that the service will be ineffectual, or that the welfare of the child requires that he be brought forthwith into the custody of the court, a warrant may be issued for the parent, guardian, person having custody and control, or the child.

Sec. 11. (1) The law relating to the persons by whom and the circumstances under which a person may be arrested for a public offense shall be applicable to children, but the taking of a child into custody under such law shall not be termed an arrtest, and a child after having been so taken into custody shall be dealt with asprovided in this Act. The law relating to bail shall not be applicable to children detained in accordance with this Act.

(2) When a child is taken into custody by a person other than a peace officer, on a charge of committing a public offense, such person shall as soon as possible place the child in the custody of a peace officer.

(3) When a peace officer has taken or received a child into custody on a charge of committting a public offense, the officer shall notify the parent, guardian or custodian of the child as soon as posible. Unless the nature of the offense or other circumstances are such as to indicate the necessity of keeping the child in secure custody, or unless other directions have been given by the court, the officer shall release the child to the custody of his parent or other responsible adult upon the written promise, signed by such person, to bring the child to the court at a stated time or at such time as the court may direct. The written promise, accompanied by a written report by the officer, shall be submitted to the court forthwith. If the person fails to produce the child as agreed or upon notice from the court, a warrant may be issued for the apprehension of the person or of the child, or both.

(4) If the child is not released as provided in subsection (3) of this section, the child shall be taken without delay to the court or to the detention facility provided for under section 13 of this Act. If taken to the detention facility, the officer shall as soon as possible thereafter make a written report to the court, stating the fact of such detention, the offense charged, and the reason why the child was not released to the parent. Pending further disposition of the case, the court may release the child to the custody of the parent or other responsible person or may continue to hold the child in detention, subject to further order, but no child shall be held in detention longer than two days, excluding Sundays and holidays, except pursuant to a written order signed by the judge.

(5) Unless the child has been released to the custody of his parent, guardian or custodian in accordance with subsection (3) or (4) of this section, the parent, guardian or custodian shall be notified as provided in sections 8 and 9 of this Act, of the time and place set for holding a hearing concerning the child.

Sec. 12. No child under 16 shall at any time be detained in any police station, lockup, jail or prison, except that, on the basis of a hearing for that purpose, by the juvenile court judge, a child whose conduct or condition is such as to endanger his safety or welfare or that of others in the detention facility for children, may be placed in a jail or other place of detention for adults, but in a room or ward entirely separate from adult prisoners.

Sec. 13. (1) The fiscal court of each county shall provide for a suitable facility or facilities for the detention of children held in custody pending disposition of their cases by the juvenile court, and may employ necessary personnel for the operation thereof.

(2) In counties containing a city of the first or second class, the fiscal court shall maintain a permanent detention home, either through arrangement with another public agency or with a private organization or agency, or by acquiring and operating the home as a county institution.

(3) In counties other than those containing a city of the first or second class, the fiscal court shall either maintain a detention home or arrange for the use of private or family homes.

(4) The Kentucky Children's Bureau may assist the counties in the acquisition, development and furnishing of detention facilities, and may employ available funds for that purpose. All detention facilities shall be subject to supervision by the Kentucky Children's Bureau and its designated representatives, and shall conform to rules and regulations prescribed by the bureau.

(5 Each detention facility shall be conducted under the jurisdiction of the juvenile court for which it is maintained, and each child detained in such facility shall be deemed to be under the jurisdiction of the court.

Sec. 14. (1) Before making disposition of the case of a child brought before the juvenile court, whether by petition pursuant to section 7 of this Act or by reason of having been taken into custody pursuant to Section 11 of this Act, the judge shall cause an investigation to be made, concerning the nature of the specific act complained of, and any circumstances sur-

rounding the child which throw light on the future care and guidance which should be given the child. The investigation shall include an inquiry into the child's age, habits, school record, general reputation and everything that may pertain to his life and character. The investigation shall also include an inquiry into the home conditions, life and character of the person having custody of the child. The result of the investigation shall be reported in writing to the judge previous to the final hearing of the child's case, and shall become a part of the record of the proceedings.

(2) The investigation shall be conducted by volunteer or salaried probation officers of the juvenile court or by a suitable public or private agency. The Kentucky Children's Bureau may furnish investigation services, under agreements with individual juvenile courts. For this purpose, any county judge may enter into a contract, on behalf of his county, with the Kentucky Children's Bureau for the furnishing of such services.

Sec. 15. If an investigation indicates that a child before the juvenile court may be mentally ill or defective, the court may cause the child to be examined by a health officer or child guidance clinic, or any reputable physician who will conduct the examination without expense to the county. If such examination confirms mental illness or defect, further proceedings shall be had in accordance with the law governing inquests concerning sanity.

Sec. 16. When the health of any child before the juvenile court requires it, the court may order the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will provide treatment and care without charge to the county. In order to ascertain whether the child is in normal health, the court may cause the child to be examined by a health officer or childrens clinic or any reputable physician who will conduct the examination without charge to the county.

Sec. 17. (1) If, during the course of any proceedings in the juvenile court, it appears that a child before the court has committed a felony, and at the time of commission of the offense the child was 16 years of age or older, or was less than

16 years of age but the offense was murder or rape, and the court is of the opinon that the best interests of the child and of the public require that the child be tried and disposed of under the regular law governing crimes, the courts in its discretion may make an order transferring the case to the circuit court of the county in which the offense was committed.

(2) When the juvenile court so transfers a case to the circuit court:

(a) If a grand jury considers the case and is satisfied there is sufficient evidence to indict the child, it may either return an indictment or may return a written report to the circuit court recommending that the child be committed to the Youth Authority. If the court believes that such commitment would be proper, it may order the child committed to the Youth Authority.

(b) If, during any stage of the trial in the circuit court, the child or his parent or guardian so request, the judge in his discretion may stop the trial and commit the child to the Youth Authority.

(c) If neither of the procedures specified in paragraphs (a) and (b) are employed, the child shall be tried as any other defendant.

(d) While under the jurisidiction of the circuit court, the child shall be subject to bail the same as an adult.

(e) Any commitment to the Youth Authority under paragraph (a) or (b) of this subsection shall be for an indeterminate period not to exceed the age of 21.

Sec. 18. (1) If a child tried on a felony charge in the circuit court, under paragraph (c) of subsection (2) of section 17 of this Act, is convicted of a felony, and sentenced to imprisonment, he shall be committed to the penitentiary, except that in the case of a child who is under 20 years of age at the time of sentencing, the court in its discretion may commit the child to the Youth Authority. In such case, if the period of the sentence imposed by the verdict would expire before the child reaches 21 years of age, the commitment to the Youth Authority shall be for an indeterminate period not to exceed the age of 21. If

the period of the sentence imposed by the verdict would extend beyond the age of 21, the commitment shall be to the Youth Authority until the age of 21, and thereafter to the penitentiary. In the latter case, if the child is out on parole at the time he becomes 21, he shall continue to be subject to the parole supervision of the Youth Authority; however, if the parole is revoked he shall be returned to the penitenary and shall thereafter be dealt with the same as an adult sentenced to the penitentiary.

(2) If a child tried on a felony charge in the circuit court, under paragraph (c) of subsection (2) of section 17 of this Act, is convicted of a misdemeanor, and sentenced to imprisonment, he shall be committed to the county jail, except that in the case of a child who is under 20 years of age at the time of sentencing, the court in its discretion may commit the child to the Youth Authority, for an indeterminate period not to exceed the age of 21 years.

Sec. 19. When a child before a juvenile court, whether by petition pursuant to section 7 of this Act or by reason of having been taken into custody pursuant to section 11 of this Act, is found by the court to come within the purview of section 2 of this Act, the court shall so decree and in its decree shall make a finding of the facts upon which the court exercises its jurisdiction over the child. If the court finds that the child does not come within the purview of section 2 of this Act, the child shall be discharged and the proceedings dismissed.

Sec. 20. (1) If in its decree the juvenile court finds that the child has committed a public offense, the courts may, by order:

(a) Place the child on probation or under supervision in his own home or in a suitable family home or boarding home, upon such conditions as the court shall determine. Probation shall not be ordered or administered as a punishment, but as a measure for the protection, guidance and well-being of the child and his family. A child so placed on probation shall be subject to the visitation and supervision of a probation officer or child welfare worker. Probation methods shall be directed to the discovery and correction of the basic causes of maladjustment and to the development of the childs personality and character, with

the aid of the social resources of the community. A child so placed on probation shall remain subject to the jurisdiction of the juvenile court until he becomes 21 years of age, unless he is discharged prior thereto by the court.

(b) Commit the child to the custody or guardianship of a private or public institution or agency authorized to care for children, or under the guardianship of a suitable person. Such commitment shall be until the age of 21, subject to the power of the court to discharge the child prior thereto. In committing a child to a private institution or agency the court shall select one that is approved by the Kentucky Childrens Bureau and children commited to such an institution or agency shall be subject to the visitation and supervision of a probation officer or child welfare worker.

(c) Commit the child to the Youth Authority. Such Commitment shall be for an indeterminate period not to exceed the age of 21.

(2) If a child is disposed of as provided in paragraph (a) or (b) of subsection (1) of this section, the court may modify or set aside its order at any time, and direct that the child be otherwise disposed of in accordance with this Act.

(3) No adjudication by a juvenile court of the status of any child shall be deemed a conviction, nor shall such adjudication operate to impose any of the civil disabilities ordinarily resulting from a criminal conviction, nor shall any child be found guilty or be deemed a criminal by reason of such adjudication.

Sec. 21. If in its decree the juvenile court finds that the child comes within the purview of section 2 of this Act, but has not committed a public offense, the court may dispose of the child as provided in section 20 of this Act, except that the court may not commit the child to the Youth Authority unless the Youth Authority has indicated to the court that it has facilities available to care for the child and is willing to accept the commitment.

Sec. 22. The Kentucky Children's Bureau shall assist the juvenile courts in the placing of children in family homes or boarding homes, and, under agreements with the individual

juvenile courts, may assume responsibility for making such placements. Counties may pay or contribute towards the expenses of maintaining children in family homes or boarding homes and, to the extent authorized by the fiscal court, the Kentucky Children's Bureau may incur obligations chargeable to the county for such expenses.

Sec. 23. In support of any order or decree, the juvenile court may require the parents or other persons having custody of a child, or any other person who has been found by the court to be encouraging, causing or contributing to the acts or conditions which bring the child within the purview of section 2 of this Act, to do any acts required by law or to desist from doing any acts forbidden by law, when the court deems such requirement necessary for the welfare of the child. In case of failure to comply with such requirement, the court may proceed against such person for contempt of court.

Sec. 24. In adjudging a child to be within the purview of section 2 of this Act by reason of having committed a public offense, the court may require the child to make restitution or reparation to any injured person to such extent, in such sums and upon such conditions as the court determines.

Sec. 25. In placing a child on probation in a family home or boarding home, or in committing a child to a private institution or agency, the court shall as far as practicable select a home, institution or agency operated or governed by persons of the same religious faith as the parents of the child.

Sec. 26. (1) No female child shall be transported to any institution, pursuant to order of any court or direction of the Youth Authority, unless accompanied by a female attendant, or, when authorized in writing by the court or authority, by a parent, grandparent, or adult brother or sister. Any such relative shall not be reimbursed out of public funds for travel or other expenses incurred in so accompanying the child.

(2) The agent of any institution who receives a female transported to the institution shall report any violation of subsection (1) of this section to the Commonwealth's Attorney of the judicial district in which the institution is located.

Sec. 27. Whenever any court commits a child to the Youth Authority or whenever a juvenile court commits a child to any institution or agency, the court shall cause to be transmitted to the Authority, institution or agency a certified copy of the commitment order, together with a summary of the courts information concerning the child. The child shall be held by virtue of the order, and the certified copy of the order shall be proof of the authority of the Youth Authority, institution or agency in behalf of the child.

Sec. 28. If it appears that the parent of any child who has been placed on probation in a family home or boarding home, or has been committed to the Youth Authority or to an institution or agency, is able to contribute to the support of the child, the court shall enter an order requiring the parent to pay a reasonable sum from time to time for the support, maintenance or education of the child. The order shall direct that the money be paid to the county clerk to be disbursed as ordered by the court or be paid to the person, institution, agency or Youth Authority to which the child was committed or probated. On application and on such notice as the court may direct, the court may make alterations in the requirement for contribution. The court may require the parent to give security for payment of the sums due and shall have the powers of a court of equity in enforcing its orders.

Sec. 29. On or before March 1 of each year, each county clerk shall submit to the Kentucky Children's Bureau a written report showing the number and disposition of children brought before the juvenile court during the preceding calendar year, together with such information concerning the cases as the bureau shall prescribe. The report shall be upon blanks prescribed and furnished by the bureau.

Sec. 30. The person in charge of any home to which a child is probated, and the governing authority of any private institution or agency to which a child is committed, shall make such reports to the juvenile court as the court may require, and such reports to the Kentucky Children's Bureau as the bureau may require, concerning the child and the actions of the home, institution or agency in behalf of the child. The Kentucky

Children's Bureau shall have power to make such visitations and inspections of the homes, institutions and agency as it deems necessary.

Sec. 31. (1) The county judge of each county may appoint a board of not less than six nor more than ten reputable inhabitants to be called the advisory board of the juvenile court. The members of the board shall hold office during the pleasure of the judge, and shall serve without compensation.

(2) The board shall visit at least once a year all institutions in the county receiving children under this Act, and may visit any family home or boarding home in the county receiving children under this Act. At least two of the members of the board shall go together on the visits, and shall make a report to the board. The board shall report to the juvenile court from time to time the condition of the children in the institutions or homes and shall make an annual report to the juvenile court.

(3) The board shall advise and cooperate with the county judge upon all matters affecting the workings of this Act, and shall recommend to the court any needful measures for the purpose of carrying out the provisions of the Act. The appointment and utilization of such advisory boards by each county judge is recommended by the General Assembly as a matter of public policy.

Sec. 32. (1) In counties containing a city of the first or second class, the county judge may appoint a chief probation officer of the juvenile court and such number of assistant probation officers as may be authorized by the fiscal court. Such officers shall receive reasonable salaries to be fixed by the fiscal court, and shall be allowed their actual and necessary expenses incurred in the performance of ther duties. The salaries and expenses shall be paid out of the county treasury. The officers shall serve at the pleasure of the county judge. The officers shall have the powers of a sheriff in making arrests.

(2) In any county, the county judge may appoint or designate one or more discreet persons of good moral character to serve as volunteer probation officers of the juvenile court. Such officers shall serve during the pleasure of the judge and without

compensation, except that the fiscal court may authorize the payment of compensation out of the county treasury to any such officers. Field Workers of the Kentucky Children's Bureau may be appointed or designated as such volunteer probation officers, but without compensation from county funds.

Sec. 33. Probation officers of the juvenile court shall:

(1) Make investigations as provided in section 14 of this Act.

(2) Be present in court to represent the interest of the child when the cases investigated by them are heard; furnish such information as may be required; advise with the court as to the proper disposition of the case; and take such charge of the child before and after the hearing as may be ordered.

(3) Visit and supervise children placed on probation, and as far as practicable, aid and encourage such children, by friendly advice and admonition, to keep the terms of their probation, and provide for their rehabilitation.

(4) Make such reports and records as may be required by the court.

(5) Supervise the transfer of children to and from homes or institutions, as directed by the court.

(6) Work in cooperation with the representatives of the Kentucky Children's Bureau.

Sec. 34. (1) No probation officer shall, without the consent of the county judge, divulge or communicate to any person other than the court, a member of the advisory board of the court, or a representative of the Kentucky Children's Bureau, any information obtained pursuant to the discharge of his duties, nor shall any record of the actions of the probation officer be made public except by leave of the county judge.

(2) This section shall relieve the probation officer from divulging such facts as a witness on the trial of any case, or the hearing of any proceeding, or the production of such records for use in any trial or proceeding.

Sec. 35 Unless the child is proceeded against in accord-

ance with the law governing crimes as provided in paragraph (c) of subsection (2) of section 17 of this Act, the disposition of any child under the provisions of this Act, or any evidence given in the case, shall not be lawful evidence against the child for any purpsoe, except in subsequent cases involving the same child under this Act.

Sec. 36. For the purpose of paying salaries and expenses necessary to carry out the purposes of this Act, the fiscal court of any county may levy taxes and make appropriations, within constitutional limitations. The legislative body of any city also is authorized to appropriate funds to assist the county in carrying out the purposes of this Act, or to provide facilities for custody and care of children coming within the purview of this Act.

Sec. 37. In proceedings in the juvenile court, no court fees shall be charged against, and no witness fees shall be allowed to, any party to a petition. No public officer shall be entitled to receive any fee for the service of process or for attendance in court in any such proceedings. All other persons acting under orders of the court may be paid, for service of process and attendance as witnesses, the fees provided by law for like services in civil cases in the circuit court, the payments to be made out of the county treasury.

Sec. 38. An appeal may be taken from the juvenile session of the county court as provided in section 362 of the Criminal Code of Practice.

Sec. 39. Any child placed on probation by a juvenile court, prior to the operative date of this Act, for a period of time extending beyond the operative date of this Act, shall for such period of time remain on probation and subject to the jurisdiction of the juvenile court in accordance with the provisions of this Act. Any proceeding pending in a juvenile court, or any criminal proceeding against a child pending in a circuit court, on the date this Act becomes operative, shall be carried to completion in accordance with the provisions of this Act.

Sec. 40. The Youth Authority shall be responsible for the operation, management and development of the existing state institutional facilities for the custodial care or reformation of

children, including specifically the institutions now known as Houses of Reform and the Kentucky Children's Home, but not including educational institutions or institutions designed primarily for the care or treatment of mentally or physically handicapped children. The Youth Authority shall further be responsible for the development of such additional institutional facilities and other specialized facilities, such as forestry camps, farms, or vocational training facilities, as are necessary to provide an adequate and modern program for the care, treatment and rehabilitation of children committed to the state under the juvenile court laws. The Youth Authority may select appropriate names by which the various institutions under its control shall be known.

Sec. 41. The Youth Authority shall arrange for a program of care, treatment and rehabilitation of the children committed to the Youth Authority, which program shall be designed to provide for classification, segregation and specialized treatment of children according to their respective problems, needs and characteristics, and to provide a coordinated system of probation and parole services.

Sec. 42. The Youth Authority shall establish and operate a reception center for the observation, study and classification of children following their commitment to the Youth Authority. Children committed by reason of the commission of a public offense, and such other children committed to the Youth Authority as the Youth Authority believes will benefit therefrom, shall upon their commitment be placed in the reception center for a period of observation and study. The reception center shall be provided with adequate psychiatric, psychological, social service, and medical facilities. A case history for each child shall be prepared during his period of observation and study in the reception center. Upon the basis of study and observation in the reception center, the Youth Authority shall make a determination as to the character of treatment or disposition which should initially be provided for the child.

Sec. 43. (1) Any child committed to the Youth Authority may, by the Youth Authority, at any time during the period of his commitment, be:

(a) Discharged from commitment, unless he was committed by a circuit court upon a felony conviction and was given a sentence the period of which will extend beyond the age of 21.

(b) Placed on parole in the home of his parents, or in a suitable foster home, family home or boarding home, upon such conditions as the Youth Authority may prescribe and subject to visitation and supervision by a probation officer of the Youth Authority or a child welfare worker of the Division of Child Welfare.

(c) Placed in one of the institutions operated by the Youth Authority.

(d) Placed in a child-caring institution operated by a local governmental unit or by a private organization willing to receive the child, upon such conditions as the Youth Authority may prescribe.

(e) Disposed of as provided in section 46 or 47 of this Act.

(2) Unless the child has been discharged from commitment, and disposition of a child made under this section may at any time during the period of his commitment be changed and other disoposition made in accordance with the provisions of this section.

Sec. 44. The Kentucky Children's Bureau is authorized to expend available funds to provide for the board, lodging and care of children placed on probation by the Youth Authority in a family home or boarding home, or may arrange for payments or contributions by any local governmental unit, or public or private agency or organization, willing to make payments or contributions for such purpose. The Department of Welfare may accept, on behalf of the Kentucky Children's Bureau, any gift, devise or bequest made for any of the purposes of this Act.

Sec. 45. When any child committed to the Youth Authority requires medical or surgical care or treatment, the Youth Authority may provide the same or arrange for the furnishing thereof by other public or private agencies. For this purpose, the services and facilities of local health officers and depart-

ments shall be made available to the Youth Authority, and as far as practicable any publicly-owned hospital shall provide hospitalization without charge for any such child who is a resident of the political subdivision by which the hospital is owned or operated.

Sec. 46. If it appears that a child committed to the Youth Authority is mentally ill or defective, the Youth Authority may commit him, for a period of observation not to exceed 35 days, to a state mental hospital, or to the Kentucky Training Home, or to a public hospital having a psycopathic ward or facilities suitable for the observation of mental conditions. If it appears from such observation that the child requires treatment or hospitalization for mental illness or defect, the Youth Authority shall cause proceedings to be instituted under the statutes governing inquests concerning mental conditions, and if the child is committed to a mental hospital or to the Kentucky Training Home he shall automatically be discharged from his commitment to the Youth Authority.

Sec. 47. If it appears to the Youth Authority that a child committed to it by reason of the commission of a public offense constituting a felony, is incapable of benefitting from treatment by the facilities of the Youth Authority, the child shall be returned by the Youth Authority to the circuit court of the county in which the offense was committed, for appropriate proceedings. If the child originally was committed to the Youth Authority by such circuit court, following a conviction of the felony upon a trial in the circuit court, the court shall commit the child to the state penitentiary for the duration of the sentence fixed by the verdict, allowing credit for such period of time as the child was in custody of the Youth Authority. Otherwise, the circuit court shall proceed the same as if the child was an adult under arrest on a felony charge, and in the event the child is convicted and sentenced on the felony charge, credit shall be allowed on the sentence for the period of time the child was in the custody of the Youth Authority.

Sec. 48. Any child committed to the House of Reform prior to the operative date of this Act shall be deemed to have been committed to the Youth Authority, and until such child

reaches the age of 21 he may be disposed of by the Youth Authority as is provided in this Act. Any child committed to the Kentucky Children's Home or to the Division of Child Welfare prior to the operative date of this Act shall, for the duration of the period for which he was committed, be deemed to have been committed to the Youth Authority, and may be disposed of by the Youth Authority as provided in this Act.

Sec. 49. Any child under 16 years of age who, upon the operative date of this Act, is confined in the state reformatory or penitentiary under a sentence for a felony, may, by order of the Commissioner of Welfare, be transferred to the custody and jurisdiction of the Youth Authority, in which event the Youth Authority, for such period of the sentence as will not extend beyond the age of 21, shall exercise such powers and duties with respect to the child as it would exercise had the child been commited to the Youth Authority by a court.

Sec. 50. The Division of Probation and Parole of the Department of Welfare shall have no responsibility or authority with respect to children placed on parole by the Youth Authority, except that the Division, upon request of the Youth Authority, shall continue to exercise parole supervision and authority over any child released on parole from the House of Reform prior to the operative date of this Act.

Sec. 51. Any child committed to the Youth Authority who is placed on parole by the Authority and who violates the terms or conditions of parole may be apprehended and returned to active custody of the Youth Authority by any probation officer of the Youth Authority or by any peace officer on direction of the Youth Authority.

Sec. 52. (1) The institutional facilities under the control of the Youth Authority shall be designed and operated in such a manner as to rehabilitate, train, develop and educate the children to become good citizens and useful members of society.

(2) Suitable programs of vocational education and training shall be carried on in the institutions, with the view of preparing the children for future self-support.

(3) The children in each institution shall be employed so far as practicable in labor incident to the maintenance and operation of the institution, and in suitable industries conducted by the institutions as a part of the vocational training program.

(4) The superintendent or managing officer of each institution may use, for the maintenance of the institution, the products of farms, dairies and other departments and industries of the institution, or may sell or exchange such products for the benefit of the institution.

Sec. 53. Children maintained in any of the institutional facilities operated by the Youth Authority shall so far as possible receive a common school education. The Youth Authority shall provide supplemental or special educational programs for those children requiring segregation, restraint or specialized treatment. The Department of Education, to the extent of available facilities, shall assist and cooperate with the Youth Authority in the educational programs for the institutions.

Sec. 54. Any peace officer who conveys a child from the committing court or from the detention facility of the committing court to an institution or facility operated by the Youth Authority shall be allowed 10 cents per mile, calculated by the nearest traveled route, and shall be paid for all necessary expenses for feeding, lodging and transporting the child. The officer shall make out a full account of all expenses so incurred by him and give the distance traveled. The account shall be verified by the officer upon oath before the county court and certified by the county clerk to the Youth Authority, for payment out of funds appropriated for the purpose.

Sec. 55. Acquisition of lands and buildings for the Youth Authority shall be in accordance with the provisions of KRS 56.440 to 56.550.

Sec. 56. (1) There is hereby created an agency of the state government to be known as the Youth Authority, which shall consist of a director and a governing board, and such probation officers, institutional staffs and other personnel as are necessary for the performance of the duties of the agency.

(2) The director of the Youth Authority shall be appointed

by the Commissioner of Welfare, with the prior written approval of the Governor, and shall serve at the pleasure of the Commissioner of Welfare. He shall receive a salary to be fixed by the Commissioner of Welfare in accordance with the statutes governing the fixing of salaries of state officers and employes. The director shall be selected on the basis of professional training, experience and demonstrated ability in the field of youth guidance and the treatment and rehabilitation of children committed to public care and custody.

(3) The governing board of the Youth Authority shall consist of the Commissioner of Welfare, ex officio, and five appointed members, who shall be appointed by the Governor for terms of four years and until their successors are appointed and have qualified, except that of the first members appointed, one shall be appointed for one year, one for two years, one for three years and two for four years. Vacancies shall be filled by appointment by the Governor for the unexpired term. Each appointed member shall receive a per diem of $25, and his actual and necessary traveling expenses, when engaged in official business of the board. The appointed members of the board shall be chosen from among persons having professional qualifications in such fields as the social sciences, psychology, medicine, law, education and religion, and the appointments shall be so made as to provide a diversified representation of such fields. The board shall select its own chairman, from year to year.

Sec. 57. The director of the Youth Authority shall be the executive officer of the Youth Authority and shall be responsible for the administration of the functions of the Authority, in accordance with policies established by the governing board of the Authority. The director also shall serve as secretary of the governing board. Administrative personnel of the Authority shall be appointed by the director with the approval of the governing board.

Sec. 58. The governing board of the Youth Authority shall determine the policies to be followed in carrying out the functions of the Authority, and shall be responsible for reviewing the operations of the Authority. The disposition authorized by law to be made by the Youth Authority, of children committed to it,

shall be made in accordance with the general policies established by the governing board. The governing board shall review, at least annually, the case of each child committed to the Authority, so long as the child remains under the jurisdiction of the Authority.

Sec. 59. The Youth Authority shall constitute an administrative division of government within the Kentucky Children's Bureau, which is hereby established within the Department of Welfare. The bureau shall be headed by an executive director, to be appointed by the Commissioner of Welfare with the prior written approval of the Governor. The executive director shall be responsible for carrying out the duties imposed upon the bureau by this Act, and for integrating and coordinating the functions of the administrative units within the bureau.

Sec. 60. (1) Any person who violates section 12 of this Act shall be fined not less than $100 nor more than $500, or imprisoned in the county jail for not more than 30 days, or both.

(2) Any person who transports or causes or permits a female child to be transported in violation of subsection (1) of section 26 of this Act shall be fined not less than $100 nor more than $500.

(3) Any person who violates subsection (2) of section 26 of this Act shall be fined not more than $100.

Sec. 61. Sections 198.010 to 198.060, section 198.080, sections 198.090, 198.110, 199.010, 199.020, to 199.310 (including 199.131), and subsection (1) of section 199.990, of the Kentucky Revised Statutes, are repealed.

Sec. 62. (1) There hereby is appropriated, out of the General Expenditure Fund in the State Treasury, to the Kentucky Children's Bureau in the Department of Welfare, the following sums for the designated fiscal years:

1952-1953 ---------- $56,500
(This includes, subject to the provisions of KRS 45.160, $14,000 for salaries of Directors, $2,500 for per diem and travel of Youth Authority Board, $25,000 for reception center, and $15,000 to replace county payments for care of children in Greendale)

1953-1954 ..... $101,500
(This includes, subject to the provisions of KRS 45.160, $14,000 for salaries of Directors, $2,500 for per diem and travel of Youth Authority Board, $70,000 for reception center, and $15,000 to replace county placements for care of children in Greendale)

(2) Any appropriations made by the General Assembly for expenses of administration of the office of the Commissioner of Welfare and the Division of Fiscal Control in the Department of Welfare, for the fiscal years 1952-1953 and 1953-1954, shall also be available during those years for payment of administrative expenses of the Kentucky Children's Bureau and the Youth Authority.

(3) Any appropriation made by the General Assembly for operation of the Kentucky Children's Home for the fiscal years 1952-1953 and 1953-1954 shall be deemed to have been appropriated, for such purpose, to the Youth Authority.

(4) Out of the moneys appropriated by the General Assembly to the Division of Corrections in the Department of Welfare, for the fiscal years 1952-1953 and 1953-1954, there shall be deemed to have been appropriated to the Youth Authority, for operation of the Houses of Reform, the sum of $447,000 for the 1952-1953 fiscal year and the sum of $472,200 for the 1953-1954 fiscal year.

(5) Any revolving, trust or agency fund accounts appropriated or authorized for the Kentucky Children's Home or the Houses of Reform shall continue in existence during the fiscal years 1952-1953 and 1953-1954, to be administered by the Youth Authority.

Sec. 63. This Act shall not become operative until January 1, 1953, except to the extent that the Act provides for the administrative organization of the Youth Authority and the Kentucky Children's Bureau, authorizes a reception center and other facilities to be established, and provides funds for such purposes. To that extent this Act shall take effect on July 1, 1952, in order to enable the administrative organization and necessary facilities to be established preliminary to operations under this Act.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Thomas R. Duncan	William M. Horn
Dr. John Adkins, Jr.	Jack Early	Paul S. Jonas
J. Everett Bach	William Engle	Jennings Kearby
Sidney Baer	Roscoe Estep	James W. Lambert
John Rhea Banton	Herbert Fern	Paul M. Lewis
Clarence J. Barnum	Wm. P. Friedlander	Mrs. J. T. Linton
Wm. W. Blanton	Leslie Gay	Harry K. Lowman
J. C. Bradley	Henry J. Giles	William Maglinger
Ed T. Breathitt	Chas. M. Greene	Shelby McCallum
Edward O. Bridgers	Henry C. Hale	Tom Mobley
Thomas L. Britton	Eugene B. Hancock	Robert H. Moore
Mrs.MaryE.Burnete	George F. Harris	Walter R. Moorman
Alex H. Calvert	John Head	Fred H. Morgan
Walter J. Chyle, Jr.	William K. Henry	Earl F. Murphy
Marvin A. Cornett	Thomas D. Hewlett	Thomas J. Murphy
R. Josh Cosby	Henry R. Heyburn	Bart N. Peak
Charles M. Crowe	E. R. Hilton	Louis T. Peniston
C. E. Dowell	Ray Holbrook	Hobart Rayburn
JamesA.Dressman,Jr.	Chester J. Holsclaw	J. F. Robinson

Earl Rogers	E. A. Spencer	Wm. Thos. Wathen
Joe Rouse	Mrs. Thelma Stovall	W. W. Webster
Carl J. Ruh	E. T. (Ted) Stumbo	Morris Weintraub
Amos Runyon	Egbert V. Taylor	Hicks Wells
Cecil Sanders	Albert Thomason	W. A. (Pete) Wickliffe
Clem Schroader	Wm. F. Threlkeld	Charles W. Wirsch
Gus F. Sheehan, Jr.	J. B. Veech	Walker H. Wiseman
Dr. B. F. Shields	Eulick (Mike) Walsh	Garrett L. Withers
John A. Sloan		—82

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 17. AN ACT abolishing the position of deputy constable, except in counties containing a city of the first or second class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 70.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) The appointment of deputy constable shall be authorized only in counties containing a first or second class city. In such counties each constable may appoint one or more deputies by and with the consent of the county judge. The constable and his surety shall be liable on his bond for all the acts and omissions of his deputies. Deputy constables must be residents of the same district as the constable by whom they are appointed.

(2) Deputy constables may be removed at any time, for any cause deemed sufficient by the constable, by order of the county court, entered after the filing of a written direction by the constable.

(3) In counties containing a population of over two hundred and fifty thousand, each deputy constable appointed by the constable shall be exclusively compensated for the performance of the duties of his office by a salary of twenty-one hundred dollars per annum and paid in equal monthly installments out of the county treasury.

2. This Act shall take effect on January 1, 1954.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Mrs.MaryE.Burnete	William Engle
Dr. John Adkins, Jr.	Alex H. Calvert	Roscoe Estep
J. Everett Bach	Walter J. Chyle, Jr.	Herbert Fern
Sidney Baer	Marvin A. Cornett	Wm. P. Friedlander
John Rhea Banton	R. Josh Cosby	Leslie Gay
Clarence J. Barnum	Charles M. Crowe	Henry J. Giles
William W. Blanton	C. E. Dowell	Eugene B. Hancock
J. C. Bradley	JamesA.Dressman,Jr.	George F. Harris
Ed T. Breathitt	Thomas R. Duncan	John Head
Edward O. Bridgers	R. L. Dunigan	William K. Henry
Thomas L. Britton	Jack Early	Thomas D. Hewlett

Henry R. Heyburn	Earl F. Murphy	Mrs. Thelma Stovall
E. R. Hilton	Thomas J. Murphy	E. H. (Ted) Stumbo
Ray Holbrook	Bart N. Peak	Egbert V. Taylor
Chester J. Holsclaw	Louis T. Peniston	Albert Thomason
William M. Horn	J. F. Robinson	Wm. F. Threlkeld
Jennings Kearby	Earl Rogers	J. B. Veech
James W. Lambert	Joe Rouse	Eulick (Mike) Walsh
Paul M. Lewis	Carl J. Ruh	Wm. Thos. Wathen
Mrs. J. T. Linton	Amos Runyon	W. W. Webster
Harry K. Lowman	Cecil Sanders	Hicks Wells
William Maglinger	Clem Schroader	W.A.(Pete)Wickliffe
Shelby McCallum	Gus F. Sheehan, Jr.	Charles W. Wirsch
Tom Mobley	Dr. B. F. Shields	Walker H. Wiseman
Robert H. Moore	John A. Sloan	Garrett L. Withers
Walter R. Moorman	E. A. Spencer	–77

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be returned to the Senate.

REPORT OF THE ENROLLMENT COMMITTEE

Mr. Henry on the Committee on Enrollment to which the same had been referred, reported that they had examined and found to be correctly enrolled, a bill and resolution of the following title, viz:

S. B. No. 1. AN ACT relating to bribery in professional games, sports, and etc.

S. Res. No. 7. A RESOLUTION concerning the naming of a body of water, impounded by Wolf Creek Dam.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the Enrolling Clerk of this House deliver S.

Res. 7 to the enrolling clerk of the Senate, and the S. B. 1 be delivered to the enrolling clerk of the Senate.

Mr. Holbrook moved that H. B. No. 154 be made a Special Order of business for 10:30 o'clock a.m., on Friday, February 8, 1952.

The Speaker ruled said motion out of order for the reason that H. B. 154 is not in the Orders of the Day.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed bills originating in that body as follows, viz:

S. B. No. 82. AN ACT relating to liquefied petroleum gas.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act the term "liquefied petroleum gas" means and includes any material which is composed predominantly of any of the following hydrocarbons, or mixtures of them, whether in the liquid or in the gaseous states: Propane, propylene, butane (Normal butane or isobutane), and butylene.

Section 2. No person shall transport in any manner within this state liquefied petroleum gas in containers of a type not approved by the Commissioner of Insurance.

Section 3. (1) Subject to the exceptions provided in subsection (2), no person shall engage, in any of the businesses set out herein without first having obtained from the Commissioner of Insurance the required license or licenses and paid the prescribed fee therefor:

(a) Selling, to the ultimate consumer, of gas containers, or gas regulating equipment for use with liquefied petroleum gas ----------$ 50.00

(b) Assembling, repairing or installing of liquefied petroleum gas containers, or regulating equipment, or connecting appliances to liquefied petroleum gas lines ---$ 50.00

(c) Selling and/or delivering liquefied petroleum gas in prefilled containers (this license does not authorize the filling of containers or delivery by tank truck) ------$ 50.00

(d) Engaging in all the businesses set out in paragraphs (a), (b) and (c), and having not more than five hundred customers (this license shall be in lieu of the three individual licenses required by paragraphs (a), (b) and (c)) ----------$ 50.00

(e) Engaging in all the businesses set out in paragraphs (a), (b) and (c) and having more than five hundred customers . . . . to be licensed under paragraph (j) which license shall be in lieu of all other licenses.

(f) Storing, for resale, of liquefied petroleum gas in other than I.C.C. containers ----------$100.00

(g) Transporting of liquefied petroleum gas, by tank truck, over the highway of this state ----------$100.00

(h) Delivering of liquefied petroleum gas, to any person, by tank truck, or the delivering, to any person other than the ultimate consumer, in containers, except where the delivering is incidental to the carrying on of a business licensed under paragraph (d) herein ---------$100.00

(i) The filling of liquefied petroleum gas containers ----------$100.00

(j) Engaging in all or any combination of the businesses set out in paragraph (a) to (i), inclusive (this license shall be in lieu of all individual licenses required herein ----------$100.00

(2) No person shall be required to obtain a license in order to engage in the following activities concerning liquefied petroleum gas:

(a) Storage, by the ultimate consumer, for consumption only.

(b) Transportation, by the ultimate consumer, in quantities of ten gallons or less.

(c) Handling in quantities of less than one gallon U. S. water capacity, where the gas is an integral part of a device for its utilization.

(d) Use as a fuel, while in the fuel tank of a motor vehicle.

(3) Any person engaged in any business for which a license is required under the provisions of subsection (1) and who engages in such business at more than one office or place of business in this state shall obtain a separate license for each such office or place of business and shall pay therefor the required license fee; except that for the purpose of issuance of licenses under subsection (1) all facilities for the storage only of liquefied petroleum gas for resale within a radius of twenty miles of an office or place of business shall be considered a part of such office or place of business and shall not require separate licensure.

Section 4. (1) The license required under Section 3 shall be issued on a calendar year basis and shall be procured from the Commissioner of Insurance prior to the time of beginning business. All licenses and renewals thereof shall expire on December 31 of each year.

(2) Any person applying for a license after July 1 of any year shall be required to pay therefor only one-half of the applicable fee for that calendar year.

(3) Every person licensed under the provisions of this Act who desires to continue in business shall, during January of each year, procure from the Commissioner of Insurance a renewal license for which he shall pay a fee equal to the original license fee. Failure to procure a renewal license prior to January 31 of the year for which it is issued shall result in the imposition of a penalty equal to twenty per cent of the renewal fee which shall be paid to the Commissioner of Insurance in addition to the renewal fee.

Section 5. The Commissioner of Insurance, after a public hearing thereon, shall make, promulgate and enforce regulations setting forth minimum general standards covering the design, construction, location, installation and operation of equipment for storing, handling, transporting by tank truck, tank trailer,

and utilizing liquefied gases, and specifying the odorization of said gases and the degree thereof. Said regulations shall be such as are reasonably necessary for the protection of the health, welfare and safety of the public and persons using such materials, and shall be in substantial conformity with the generally accepted standards of safety concerning the same subject matter.

Section 6. It is hereby declared that regulations in substantial conformity with the published standards of the National Board of Fire Underwriters for the design, installation and construction of containers and pertinent equipment for the storage and handling of liquefied petroleum gases as recommended by the National Fire Protection Association shall be deemed to be in substantial conformity with the generally accepted standards of safety concerning the same subject matter.

Section 7. All moneys collected under the provisions of this Act shall be paid into the State Treasury and credited to a trust and agency fund to be used by the Department of Insurance solely for the administration and enforcement of this Act.

Section 8. After having been given notice to cease and desist and ten days' time in which to correct the violation, any person who continues to violate any of the provisions of this Act, or any of the rules and regulations promulgated thereunder, shall be fined not less than twenty-five nor more than two hundred dollars.

Section 9. Sections 234.010 to 235.050 and 234.990 of the Kentucky Revised Statutes are repealed.

Section 10. This Act shall take effect on January 1, 1953.

Said bill was ordered printed and referred.

S. Res. No. 13. A CONCURRENT RESOLUTION relating to adjournment of the General Assembly.

Said resolution is as follows, viz:

CONCURRENT RESOLUTION

A CONCURRENT RESOLUTION relating to adjournament of the General Assembly.

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

That when the Senate and the House of Representatives adjourn today, Wednesday, January 9, 1952, they adjourn to meet again on Monday, January 14, 1952, at 8:00 o'clock, P.M.

The Senate message further announced that it had concurred and passed a resolution originating in the House, with amendment thereto, by way of substitute, as follows, viz:

H. Res. No. 5. A JOINT RESOLUTION petitioning Congress to retain within Boone County, Kentucky the airport owned by Kention County, Kentucky and known as the Kenton County Airport and to retain all United States Air Force installations located there.

With committee amendment thereto, by way of substitute, as follows, viz:

A JOINT RESOLUTION imploring the Federal Government to retain and continue the operation and maintenance of all United States Air Force installations at the Airport in Boone County, Kentucky, known as the Greater Cincinnati Airport.

WHEREAS, the Greater Cincinnati Airport, located in Boone County, Kentucky and owned by Kenton County, Kentucky, has through a substantial period of successful operation proved to be admirably situated and designed for full scale aircraft operations; and

WHEREAS, said Airport fulfills the maximum requirements for safety and convenience of the public; and

WHEREAS, it is essential to the general public of the Commonwealth of Kentucky that the Airport be maintained in full scale operation; and

WHEREAS, air transportation will be seriously curtailed within the Commonwealth of Kentucky unless the Airport continues in operation with all of the present and planned facilities and installations;

NOW THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

The President of the United States of America, in his capacity as Commander in Chief of the Armed Forces of the United States, the Secretary of Defense of the United States, and the Congress of the United States are implored to cause to be maintained and continued in operation, at the Greater Cincinnati Airport in Boone County, Kentucky, all United States Air Force installations located at such Airport, and to proceed with existing plans for the development of such installations.

The Hon. Brent Spence, Representative in the Congress of the United States for the Fifth Congressional District of Kentucky, is solicited to bring this matter to the attention of all appropriae federal authorities and to utilize all available means to secure favorable action.

The Clerk of the House of Representatives is directed to forward 10 copies of this Resolution to the Hon. Brent Spence, in order that copies of this Resolution may be brought promptly and expeditiously to the attention of the officers and bodies memorialized.

Mr. Lowman moved that S. Res. No. 13, which is as follows, viz:

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

That when the Senate and the House of Representatives adjourn Friday, February 8, 1952, they adjourn to meet again on Wednesday, February 13, 1952, at 1:00 o'clock, P.M.

be concurred in by the House.

Said motion was agreed to.

Said resolution was adopted.

Mr. Lowman moved that the House do now concur in the Senate amendment, by way of substitute to H. Res. No. 5.

Said motion was agreed to.

Said amendment concured in.

And said resolution was adopted.

Mr. Lowman moved that the rules of the House be suspended for the purpose of having a Committee Report.

Said motion was agreed to.

COMMITTEE REPORT

Mr. McClain, Chairman of the Committee on Higher Education, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. No. 146. AN ACT relating to appointment of members of the board of trustees of the University of Kentucky.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Lowman moved that the rules of the House be suspended for the purpose of introduction of bills, and a resolution.

INTRODUCTION OF BILLS AND RESOLUTIONS.

Bills and a resolution of the following titles were introduced, viz:

By Mr. Combest, Sloan, Wells, Hicks, Head, Maglinger, Blanton, Greene, Banton, Giles, Taylor, Withers, Helton, Rogers, Estep, Dowell, Webster, Lambert, Rayburn, Moorman, Lewis, Hale, Hewlett and Cornett.

H. B. No. 298. AN ACT relating to the payment of expense allowances to the members of the General Assembly, including the Lieutenant-Governor in his capacity as President of the Senate, and declaring an emergency to exist.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Each member of the General Assembly, including the Lieutenant-Governor in his capacity as President of the

Senate, shall be paid out of the State Treasury the sum of ten dollars per day for each day for which he draws or has drawn per diem compensation during the period of the present legislative session, which sum is hereby declared to be the equivalent of the minimum sum that each such member has expended or will be required to expend each day, in the performance of his official duties, for postage, telephone and telegraph service, supplies, stationery, stenographic assistance, books and periodicals. The Commissioner of Finance shall, forthwith upon the taking effect of this Act, draw his warrant on the State Treasurer in favor of each member of the General Assembly, including the Lieutenant-Governor, for the total of the sums payable to each such member under this Act, less the amount paid or authorized to be paid under KRS 6.220, and the necessary amount to pay the same is hereby appropriated out of the General Expenditure Fund. The sums so received shall be expended by each member of the General Assembly, including the Lieutenant-Governor, in his discretion, the manner in which the same shall be applied in payment or reimbursement of such expenses being determined by him.

Section 2. Whereas, present economic conditions are imposing an unconscionable burden upon the members of the General Assembly, and will enhance the welfare of the public by expediting the work of the General Assembly if provision is made immediately for payment of sums to cover expenses incurred by the members particularly in connection with the maintaining of close contact and the exchanging of information with their constituents, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Said bill was ordered printed and referred.

By Mr. Heyburn.

H. B. No. 299. AN ACT relating to the settlement of the estates of deceased persons, amending section 428 of Carroll's Kentucky Civil Code of Practice.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 428 of Carroll's Kentucky Civil Code of Practice is amended to read as follows:

A representative, legatee, distributee or creditor of a deceased person may, at any stage of the settlement, bring an action in equity for the settlement of his estate provided that no such suit shall be brought by any of the parties named except the personal representative until the expiration of six months after the qualification of such representative.

The representatives of the decedent, and all persons having a lien upon or an interest in the property left by the decedent, of any part thereof,, and the creditors of the decedent, so far as known to the plaintiff, must be parties to the action as plaintiffs or defendants.

Said bill was ordered printed and referred.

By Mr. Holbrook.

H. Res. No. 33. A RESOLUTION honoring M. B. Holifield, Assistant Attorney General.

Said resolution is as follows, viz:

A RESOLUTION IN HONOR OF M. B. HOLIFIELD, ASSISTANT ATTORNEY GENERAL

WHEREAS, M. B. Holifield, more affectionately known as General Holifield, has devoted more than thirty years of his life to public service, twenty years of which has been spent as Assistant Attorney General for the Commonwealth of Kentucky; and

WHEREAS, during his service an Assistant Attorney General, he has become recognized as the foremost authority on the Kentucky Constitution, as well as on all phases of Kentucky law generally; and

WHEREAS, by his unstinting devotion to his duties, he has earned the admiration and gratitude of all with whom he has come in contact; and

WHEREAS, General Holifield has demanded and received very little public acclaim, it seems only fitting that on the occasion of his 80th birthday, he should be recognized.

NOW THEREFORE

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

That General M. B. Holifield be extended the congratulations of this body and of all the people of Kentucky on his 80th birthday.

The Clerk of the House of Representatives is directed to have copies of this resolution printed and to deliver a copy to General M. B. Holifield.

Mr. Holbrook moved the adoption of said resolution.

Said resolution was adopted.

Mr. Weintraub moved that the rules of the House be suspended for the purpose of making a motion.

Said motion was agreed to.

Mr. Weintraub moved that the House go on record as asking the Committee on Public Utilities to hold a Committee Meeting.

Said motion was agreed to.

Mr. Lowman moved that the House do now adjourn, to meet again at 10:00 o'clock a.m., on Friday, February 8, 1952.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, FEBRUARY 8, 1952

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House opened with prayer by the Reverend Paul S. Stauffer, Pastor of the First Christian Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Dr. John Adkins, Jr.	Eugene B. Hancock	Tipton Reed
J. Everett Bach	George F. Harris	J. F. Robinson
Sidney Baer	John Head	Earl Rogers
John Rhea Banton	Farmer Helton	Joe Rouse
Clarence J. Barnum	William K. Henry	Carl J. Ruh
Owen Billington	Thomas D. Hewlett	Amos Runyon
Wm. W. Blanton	Henry R. Heyburn	Cecil Sanders
J. C. Bradley	E. R. Hilton	Clem Schroader
Ed T. Breathitt	Ray Holbrook	Gus F. Sheehan, Jr.
Edw. O. Bridgers	Chester J. Holsclaw	Dr. B. F. Shields
Thomas L. Britton	William M. Horn	E. A. Spencer
Mrs.MaryE.Burnete	Paul S. Jonas	Mrs. Thelma Stovall
Alex H. Calvert	William L. Jones	E. H. (Ted) Stumbo
Walter J. Chyle, Jr.	Jennings Kearby	Egbert V. Taylor
Lewis W. Combest	James W. Lambert	Albert Thomason
Marvin A. Cornett	Jesse H. Lawrence	William F. Threlkeld
R. Josh Cosby	Paul M. Lewis	Marion Vance
Charles M. Crowe	Mrs. J. T. Linton	J. B. Veech
C. E. Dowell	Harry K. Lowman	Eulick (Mike) Walsh
JamesA.Dressman,Jr.	William Maglinger	Wm.ThomasWathen
Thomas R. Duncan	Shelby McCallum	L. M. Weathers
R. L. Dunigan	Russell L. Meadows	W. W. Webster
Jack Early	Tom Mobley	Hicks Wells
Harold Edwards	Walter R. Moorman	William B. Wells
William Engle	Fred H. Morgan	W.A.(Pete)Wickliffe
Roscoe Estep	Earl F. Murphy	Charles W. Wirsch
Herbert Fern	Thomas J. Murphy	Walker H. Wiseman
Wm. P. Friedlander	Ewin C. Neville	Garrett L. Withers
Leslie Gay	Bart N. Peak	Charles W. Burnley, Speaker
Charles M. Greene	Louis T. Peniston	
Henry C. Hale	Hobart Rayburn	91

Mr. Baer moved that the absentees be granted a leave of absence.

Said motion was agreed to.

The absentees were as follows, viz: Bill Adams, Henry Arrowood, R. O. Blevins, J. C. Denney, Jr., Henry J. Giles, G. Lee McClain, Robert H. Moore, John A. Sloan and Morris Weintraub.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed bills originating in that body as follows, viz:

S. B. No. 50. AN ACT relating to the licensing, inspection and regulation of hospitals, public health centers nursing and convalescent homes and all institutions for the care of the sick.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (Definitions) As used in this Act:

(a) "Hospital" means a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care, for more than twenty-four hours, of two or more non-related individuals suffering from illness, disease, injury, or deformity, or a place including nursing and convalescent homes and all institutions for the care of the sick, devoted primarily to providing, for more than twenty-four hours, obstetrical or other medical or nursing care for two or more non-related individuals.

(b) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association and the legal successor thereof.

(c) "Governmental unit" means the state, or any county or municipality, or a department, division, board or agency of any of the foregoing.

(d) "Licensing agency" means the State Board of Health.

Section 2. (Purpose) The purpose of this Act is to pro-

vide for the development, establishment and enforcement of minimum standards for the construction, maintenance and operation of hospitals as defined herein.

Section 3. (Application for License) An application for a license to establish, conduct, manage or operate a hospital shall be made to the licensing agency upon forms provided by it and shall contain such information as the licensing agency reasonably required, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as may be lawfully prescribed hereunder. Each application shall be accompanied by a license fee of ten dollars.

Section 4. (Issuance and Renewal of License) Upon receipt of an application for license accompanied by the license fee, the licensing agency shall issue a license, if the applicant and the hospital facilities meet the requirements established under this act. Any hospital which is in operation at the time this act becomes effective shall be licensed upon application even though it does not comply with the standards at that time. However, failure to comply with the required standards within two years thereafter shall result in the institution of an action for revocation or suspension of the license. Each license, unless sooner suspended or revoked, shall expire on June 30 following its issuance, and be renewable annually for a fee of five dollars upon filing by the licensee and approval of the licensing agency, of an annual report upon such uniform dates and containing such information in such form as the licensing agency may reasonably require. All fees collected shall be deposited in the state treasury for the use of the licensing agency in carrying out the purposes of this act. Hospitals operated by governmental units shall be exempt from the payment of fees and licensure but shall comply with all other requirements of this act. Each license shall be issued only for the premises and persons or governmental units named in the application and shall not be transferrable or assignable without the written approval of the licensing agency. Licenses shall be posted in a conspicuous place on the licensed premises.

Section 5. (Denial, Suspension or Revocation of License; Hearings and Review) The licensing agency, after notice to the

applicant or licensee and after a hearing as herein provided, is authorized to deny, suspend or revoke a license in any case in which it finds that there has been a substantial failure to comply with the requirements established under this act. Notices of hearing shall be issued in the name of the licensing agency by the secretary thereof and shall state the time and place of the hearing, which shall not be less than thirty days from service of the notice, and shall also contain a concise statement of the reason for the hearing and sufficient information to reasonably apprise the applicant or licensee of the substance of the facts claimed to constitute a violation of this act. Service of such notices may be effected in the manner prescribed by law for the service of civil process, or may be effected by any member or employee of the licensing agency personally delivering same to the applicant or licensee, or by the licensing agency forwarding same to the applicant or licensee, by United States registered mail postage prepaid at the address of the applicant or licensee as reflected by the records of the licensing agency. The hearing may be conducted by the licensing agency in person or by a hearing officer or a hearing committee appointed by the licensing agency; all members of the licensing agency, and all persons appointed by the licensing agency as hearing officer or as members of a hearing committee are authorized to administer oaths, issue subpoenas for the attendance of witnesses and for the production of books, papers and documents, and to cite for contempt, before the circuit or quarterly court in the county in which the hearing is held, disobedience of its process or contumacious or disrespectful conduct. The applicant or licensee proceeded against shall be known as "respondent" and shall be entitled to be represented at the hearing in person or by counsel, or both, and shall be entitled to introduce testimony by witnesses or, if the licensing agency so permits, by deposition. All decisions revoking, suspending or denying licenses or applications shall be made by the licensing agency and shall be recorded in the minutes of the licensing agency, which may review any and all orders and rulings made by a hearing officer or hearing committee, and which shall consider the entire transcript of the record of hearing that shall be prepared and furnished to the licensing agency in the event the hearing is conducted by a hearing officer or hearing commit-

tee. The secretary of the licensing agency shall notify, by registered United States mail postage prepaid, the applicant or licensee of the decision of the licensing agency, which decision shall become final and conclusive thirty days after notice thereof is given as above provided, unless the applicant or licensee, within said thirty day period, appeals to the court therefrom pursuant to section 9 of this act. The procedure governing hearings authorized by this section shall be in accordance with rules promulgated by the licensing agency with the advice and approval of the hospital council.

Section 6. (Minimum Standards)

(1) (Submission of plans for New Construction or Alterations) Before construction is begun involving an expenditure of more than fifteen thousand dollars for the construction of new buildings or additions or alterations to existing buildings or any change in facilities, for a hospital, the licensee shall submit plans to the licensing agency for approval. No system of water supply, plumbing, sewage, garbage or refuse disposal for a hospital shall be installed nor any such existing system be materially altered or extended until complete plans and specifications for the installation, alteration or extension, together with such information as may be required, have been submitted and approved by the Department of Health in accordance with the sanitary codes in existing Kentucky statutes. Hospitals shall comply with all local zoning regulations. They shall be so located as to be reasonably free from noises, smoke, foul odors or other disturbing or injurious nuisances.

(2) (Location and Communication.) Hospitals shall be served by a good road which is kept passable at all times of the year. There must be one or more telephones or other communication systems as may be needed in order to summon help promptly in case of fire or other emergencies.

(3) (Physical Plant)

(a) (Construction) The construction of the building shall be such as to provide for the safety and protection of the patients and personnel. The building shall be kept in good repair as related to the comfort and safety of its occupants. The building shall comply with the rules, regulations, and standards of safety

in accordance with existing Kentucky statutes governing fire and safety precautions. The building shall be so constructed and screened as to prevent the entrance of rats, flies, mosquitos and other rodents and insects capable of transmitting disease. The walls, floors, and ceilings shall be of such a character to permit frequent washing, cleaning or painting and the maintenance of sanitary conditions. The building shall comply with all existing local building codes.

(b) (Heating) The hospital shall be provided with a heating system, capable of maintaining a minimum temperature of 68° F. at all times in the patient areas.

(c) (Lighting) Each patient's room shall have sufficient lighting for reading and all other uses as needed. All entrances, hallways, stairways, inclines, ramps, cellars, attics, storerooms, kitchens, laundries, and service units must have sufficient lighting to prevent accidents and to promote efficiency of service. Emergency lighting facilities must be provided and distributed so as to be readily available to personnel on duty. Flashlights or battery operated lamps shall be in readiness at all times for use in the delivery and operating rooms. At no time may open flame type of lights be used in these rooms.

(d) (Ventilation.) The building shall be adequately ventilated at all times. Special attention shall be given to the ventilation of patients' quarters so as to supply fresh air and to prevent accumulation of objectionable odors. Toilets without outside window ventilation may not be used unless there is an adequate system of forced ventilation.

(e) (Elevators and Stairways) If elevators are provided they shall be maintained, checked and kept in good condition at all times. Stairways shall be provided with such handrails as may be desirable. Stairways should be of a width and design which will easily accommodate removal of a patient by stretcher and should be enclosed with a vertical cut-off at each floor level.

(4) (Sanitation.)

(a) (Housekeeping) There shall be adequate hand-washing facilities throughout the institution. There shall be an ade-

quate number of utility rooms for the cleaning of bed pans and general sanitation purposes. The institutions shall be maintained in a clean, orderly and sanitary manner. Accumulated waste material must be removed daily. There must frequent cleaning of floors, walls, woodwork and windows. The premises must be kept free from rodent and insect infestation. Bath and toilet facilities must be maintained in a clean and sanitary condition at all times.

(b) (Water supply) The water supply must be approved by the State Department of Health. There shall be an ample supply of hot water available at all times for general use.

(c) (Sewage Disposal) Sewers shall be discharged into a municipal sewerage system where such a system is available; otherwise, the sewage shall be collected, treated and disposed of in an independent sewerage system which complies with the standards approved by the sanitary codes of the State Department of Health and city regulations.

(d) (Plumbing) All plumbing, plumbing fixtures, sterilizers and other similar equipment shall be so constructed, installed and maintained as to prevent cross connections or other sanitary hazards, as required by the standards approved by the sanitary codes of the State Department of Health and applicable city regulations. A sanitary bath, toilet and lavatory must be provided on each floor where patients are cared for.

(e) (Garbage Disposal) The garbage disposal system must be approved by the Department of Health. Adequate provision shall be made to prevent obvious odors, the spread of disease and insanitary conditions resulting from the improper handling of garbage and other refuse.

(f) (Laundry) The hospital shall make provision for the proper cleaning of linen and other washable goods with special provision for handling contaminated linen. Hospitals maintaining and operating laundries shall provides ventilation for the elimination of steam and odors and proper insulation to prevent the transmission of noises to patient areas.

(5) (Food Handling) The hospital shall comply with the existing laws, rules and regulations governing the handling of

food and food products in the State of Kentucky. The facilities shall be adequate to serve as many patients as the hospital accommodates.

(6) (Accommodations for Patients) The hospital shall provide suitable accommodations for all its patients. There shall be adequate floor space, furnishings, bed linens, and such other utensils, equipment and supplies as is reasonably required for the proper care of the patients accommodated. Proper precaution shall be taken to prevent the spread of disease. There shall be provision for the proper sterilization of all supplies, utensils and equipment and for storing them in a clean, convenient and orderly manner. An adequate system for bed patients to use in calling nurses and attendants shall be maintained.

(7) (Special Facilities and Equipment)

(a) (Operating and Delivery Rooms) If there are operating and delivery rooms, they shall be provided with adequate equipment to meet the requirements of the hospital both in quality and in quantity.

(b) (Drugs) If drugs are used, an adequate supply and other medicinal agents shall be available at all times to meet the requirements of the hospital. They shall be stored in a safe manner and kept properly labeled and accessible. Narcotics and other dangerous or poisonous drugs shall be handled in a safe manner to protect against their unauthorized use. There shall be adequate refrigeration for biologicals and drugs which require refrigeration. The existing laws, rules and regulations governing drugs and poisons shall be complied with.

(c) (X-Ray Facilities) If X-ray facilities are provided in any hospital, there shall be ample space for the X-ray equipment, film storage, view boxes and dark room equipment. Proper precautions to protect patients and hospital personnel against undue radiation shall be taken.

(d) (Laboratories) If a laboratory is provided, there shall be ample space, equipment and supplies to meet the requirements of the hospital.

(e) (Morgue) If unembalmed bodies are held for more

than twenty-four hours, a proper well ventilated morgue with refrigerated compartments shall be provided.

(8) (Practice of the Healing Arts Not Affected) Nothing in this act, or in the rules and regulations adopted pursuant thereto, shall be construed as applying to the practice of:

(i) Medicine

(ii) Osteopathy

(iii) Chiropractic

(iv) Healing by prayer in accordance with the creed or tenets of any well recognized church or religious denomination.

(v) Any other practice or system of the healing arts which is recognized or permitted by the laws of the state of Kentucky.

(b) Nothing in this act, or in the rules and regulations adopted pursuant thereto, shall be construed in any way to have the effect of denying a license to any hospital by reason of the type or system of practice of any of the healing arts, which are so recognized or permitted.

(9) (Records and Reports) Adequate and complete records shall be written for all patients admitted to the hospital. These records shall be filed in an orderly and accessible manner in the hospital. All orders for patients shall be written in ink or indelible pencil. Such orders shall be preserved on the patient's chart or in the established record of such orders.

(10) (Patient Care) Every reasonable effort shall be made to provide the best possible comfort and safety for the patients, and no person shall be denied care solely because of race creed or color. Accepted principles of hospital operation shall be followed in the public interest. The reporting of all births, deaths, reportable diseases and other vital statistics required under existing laws, rules and regulations shall be complied with.

(11) (Communicable Diseases) All of the existing laws, rules and regulations of the State Department of Health shall be complied with as related to the control of the spread of communicable diseases. If patients are accepted with communicable

diseases, suitable isolation and quarantine facilities shall be provided. Every effort shall be made to prevent the spread of disease in the hospital and to prevent the spread of disease from patients in the hospital to persons outside the hospital. Every reasonable safeguard shall be provided for the maintaining and protection of the health of the personnel of the hospital.

(12) (Employee Health Examinations) All hospital employees shall be required to have such examinations and tests as may be necessary to determine their freedom from communicable diseases which might endanger the health of the patients or other employees. The examinations shall be repeated at such intervals as may be required by the licensing agency with the advice and approval of the Hospital Council. The provisions of this section shall not apply to employees in nursing homes conducted solely for those who seek healing in accordance with the religious tenets of an established church.

Section 7. (Hospital Council) (1) The Governor shall appoint a Hospital Council consisting of ten members as herein provided:

(a) Five physicians who are duly licensed and who are in active practice, one of whom shall be the State Health Commissioner by virtue of his office who shall serve as Chairman of the Hospital Council. The appointments shall be made from a list of three nominees for each vacancy submitted by the Kentucky State Medical Association.

(b) Five Hospital Administrators who are actively engaged in the field of hospital administration. The appointments shall be made from a list of three nominees for each vacancy submitted by the Kentucky State Hospital Association.

(2) All members shall serve for a term of three years except that the original appointments shall be made so that the terms of three members are for one year, three for two years, and four for three years. Members whose terms expire shall hold office until the appointment of their successors. In the event of a vacancy occurring before the expiration of a member's term, the appointment shall be for the unexpired term.

(3) The Council shall meet at least once each year and shall meet additionally upon the call of the chairman or at the request of any four members. Members of the Hospital Council shall serve without compensation but shall be reimbursed for necessary travel and subsistence expense incurred in performance of their duties.

(4) The function of the Hospital Council shall be to approve all rules and regulations established by the licensing agency, to act in an advisory capacity to the licensing agency with respect to hospitals and the administration and enforcement of this act, and to make available to the licensing agency information, data and material in its possession together with its views, suggestions and recommendations, on various matters from time to time.

Section 8. (Functions of the Licensing Agency) Subject to approval by the Hospital Council, the licensing agency is empowered to established standards and requirements not in conflict with the provisions of this act which it deems necessary to properly protect the public, and to promulgate rules and regulations for the administration and enforcement of this act and the standards and requirements established as aforesaid. The licensing agency is empowered to employ such clerks, inspectors and other personnel as it considers necessary to properly administer and enforce this Act. The licensing agency shall, through its authorized agent or agents, have full and free access to the required records, grounds, and buildings of every institution licensed or who has applied for license under this act.

Section 9. (Judicial Review) Any applicant or licensee, or any department of the state government acting by the Attorney General, or any county acting by its fiscal court, aggrieved by a decision of the Licensing Agency made in accordance with section 5 of this act may, within thirty days after the mailing of notice of the decision, as provided in Section 5, prosecute an appeal therefrom to the Jefferson County Circuit Court by filing with the Clerk of said court a complete transcript of record of the hearing and executing a bond to cover all costs that may be assessed against the appellant and by causing to be served upon the secretary of the licensing agency a notice of appeal.

All such appeals to be assigned to the Chancery Branch of the Jefferson County Circuit Court and considered by a chancellor thereof who shall review the record of hearing and render a decision based on said record. Any party aggrieved by the decision of the Jefferson County Circuit Court may appeal to the Court of Appeals of Kentucky in the manner and within the time now provided for the appeal of cases to it under the Declaratory Judgment Act.

Section 10. No person shall operate or conduct a hospital without having a license under this act. Hospitals operated by governmental units shall be exempt from the payments of fees and licensure, but shall comply with all other provisions of this act. Hospitals operated by the Federal Government on land under the jurisdiction of the Federal Government are excepted.

Section 11. (Penalties.) The establishing, conducting, managing, or operating of any hospital without a license required under this law shall be punishable by a fine of not less than one hundred dollars nor more than five hundred dollars for the first offense and by a fine of not less than five hundred dollars nor more than one thousand dollars for each subsequent offense. Each day of violation of any of the provisions of this act shall be considered a separate offense.

Section 12. (Injunction) Notwithstanding the existence or pursuit of any other remedy (civil or criminal), the licensing agency may maintain in its own name an action to restrain or enjoin any violation of this act.

Section 13. (Appropriation) There is hereby appropriated to the State Board of Health, out of the general expenditure fund in the state treasury, the sum of twenty thousand dollars for each of the fiscal years 1952-53 and 1953-54, which appropriation shall be in addition to any other appropriations made to the State Board of Health or the Department of Health.

Section 14. (Effective Date) This Act shall become effective on July 1, 1952.

Said bill was ordered printed and referred.

S. B. No. 103. AN ACT concerning enforceability of con-

tracts of infants executed to obtain benefits of federal law providing for the making or guaranteeing of loans to war veterans.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 384.090 of the Kentucky Revised Statutes is amended to read as follows:

When the repayment, by the borrower, of money advanced or to be advanced under a contract of loan or credit has, on application of the borrower, been made by or guaranteed in whole or in part by the Federal Government or any agency thereof, under authority of federal law enacted for the benefit of war veterans, the borrower shall not thereafter be entitled to avoid the contract on the ground that he was an infant when the contract was made, nor shall he or his spouse be entitled, on the ground of infancy, to avoid any mortgage or other instrument of encumbrance executed contemporaneously with such contract for the purpose of securing the same, nor any contractual transaction in connection with such contract of loan or credit pursuant to which the borrower acquired title to or an interest in the property encumbered to secure the loan or credit. For the purpose of any litigation seeking to enforce the contract of loan or credit, or any encumbrance securing the same; for the purpose of any contract or conveyance executed under a settlement or refinancing plan approved by the federal authority by which the original loan or guaranty was made; and for the purpose of making and executing any contract or conveyance necessary to the full realization of the rights, privileges and benefits intended to be conferred by the federal law, pursuant to which the loan or guaranty was made, including contracts necessary for the proper utilization of the property acquired with the proceeds of such contract of loan or credit; the borrower and his spouse shall be deemed to be of full age.

Said bill was ordered printed and referred.

S. B. No. 117. AN ACT related to utilities in cities of the third class, providing forthe amendment of Subsection (2) and

(5) of Section 96.176, Section 96.182, and Subsection 96.183 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Subsection (2) of Section 96.176 of the Kentucky Revised Statutes be and it is amended to read as follows:

(2). The board shall employ an electric and water plant superintendent (herein called "superintendent") who shall be qualified by education, training and experience for the general superintendence of the operation, maintenance, improvement and extension of the electric and water plant. His salary shall be fixed by the board. The superintendent may be removed by the board. He shall be required to execute bond, in a sum to be determined and approved by the board, conditioned upon faithful performance of his official duties. The cost of the bond shall be charged as an expense of the operation of the electric plant. The superintendent shall appoint all employees and fix their duties and compensation subject to and with the approval of the board.

Section 2. That Subsection (5) of Section 96.176 of the Kentucky Revised Statutes be and it is amended to read as follows:

(5) The superintendent shall let all contracts, subject to the approval of the board; but may, without approval, obligate the board on purchase orders for materials necessary in the operation of the electric and water system up to an amount to be fixed by the Board, not, however, to exceed one thousand dollars. All contracts for the purchase of materials, equipment and supplies in excess of one thousand dollars shall be let only after competitive bidding; provided, however, when any material, equipment or supplies be not available in the open market, such material, equipment or supplies may be purchased without competitive bidding. All contracts shall be in the corporate name of the board, and shall be signed by the superintendent and attested by the secretary-treasurer or the chairman of the board.

The superintendent shall make and keep or cause to be made and kept full and proper books and records, subject to the supervision and direction of the board and the provisions of applicable contracts.

Section 4. That Section 96.182 of the Kentucky Revised Statutes be and it is amended to read as follows:

Subject to the provisions of outstanding bonds and contracts, the board shall apply all funds derived from operations: (1) To the payment of operating expenses, (2) to the payment of bond interest and retirement, (3) to sinking fund requirements, (4) to depreciation requirements, (5) to the improvement and extension of the plant, (6) to the payment of other obligations incurred in the operation, and maintenance of the plant and the furnishing of service, and (7) such taxes, if any, as the board may elect to pay under the provisions of KRS 96.179, and any surplus revenues at the end of any twelve months ending June 30 shall be transferred to the sinking fund, and used by the board only for the redemption or purchase of outstanding bonds in which case such bonds shall be canceled, or for the creation and maintenance of a cash working fund, or the creation and maintenance of a fund for improvement and extension of the system, or for the reduction of rates, or the Board, after the original cost of the property shall have been fully paid and satisfied, may, in its sole discretion, use, apply and pledge all or a part of such surplus revenues for the acquisition, construction, maintenance, improvement, addition to and operation of any "public project" as the same is defined in subsection (1) of Section 58.010 of the Kentucky Revised Statutes, which "public project" shall be located within the territory served by the Board; the Board is hereby vested with all of the powers, duties and responsibilities delegated and granted to a "governmental agency" under Section 58.020 to Section 58.140, both inclusive, of the Kentucky Revised Statutes; provided, however, that the acquisition or construction of any "public project", as above defined, shall first be approved by the Common Council before such "public project" is undertaken.

Section 5. That Subsection (3) of Section 96.183 of the

Kentucky Revised Statutes be and it is amended to read as follows:

(3) If two-thirds of all the qualified voters of the municipality voting in said general election on the question shall vote in the affirmative, the governing body of the municipality may adopt an ordinance rescinding its election to operate under the provisions of KRS 96.171 to 96.188, and the board, on the first day of the month following the passage and approval of such ordinance, shall by resolution transfer the operation of the electric and water plant to the governing body of the municipality.

Said bill was ordered printed and referred.

S. B. No. 106. AN ACT concerning Commonwealth's attorneys, assistant Commonwealth's attorneys, district detectives and stenographers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 69.070 of the Kentucky Revised Statutes is amended to read as follows:

In counties having a population of 200,000 or more, the Commonwealth's attorney shall appoint a first, second and third assistant Commonwealth's attorney for terms of four years each, but they may be removed at any time by the Commonwealth's attorney. In such counties where there are two or more criminal divisions of the circuit court, the Commonwealth's attorney may appoint, in addition to a first, second and third assistant Commonwealth's attorney, such other assistant Commonwealth's attorneys, not to exceed four or a total of seven assistant Commonwealth Attorneys, as the Commonwealth's attorney may deem necessary, one of whom shall act as secretary to the grand jury. The first and second assistant Commonwealth's attorneys shall each receive an annual salary of not less than $5,000 nor more than $6,000. Other assistant Commonwealth's attorneys in counties having two or more criminal divisions of the circuit court, shall receive an annual salary of not less than $4,800. Salaries of assistant Commonwealth's attorneys shall be payable in equal monthly installments out of the county levy. Such salaries may be increased by the fiscal court in accordance with KRS 64.520.

Section 2. Section 69.100 of the Kentucky Revised Statutes is amended to read as follows:

In counties having a population of 200,000 or over the Commonwealth's attorney shall appoint three stenographers for terms of four years subject to removal at any time by the Commonwealth's attorney. Two of the stenographers shall do stenographic work and typewriting for the Commonwealth's attorney and perform other duties assigned to them by the Commonwealth's attorney. They shall each receive an annual salary of not less than $2700. One stenographer shall perform the duties of record clerk and shall receive an annual salary of not less than $3600. The salaries of all stenographers shall be payable out of the county levy in equal monthly installments and such salaries may be increased by the fiscal court in accordance with the provisions of KRS 64.520. The stenographers shall have the same power of administering an oath as a notary public.

Section 3. Subsection (1) of section 69.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) In counties having a population of 150,000 or more the Commonwealth's attorney shall appoint four district detectives for a term of four years subject to removal at any time by the Commonwealth's attorney. The district detectives shall each be paid a salary of $3,600 annually, paid out of the county levy in equal monthly installments. Such salaries may be increased by the fiscal court in accordance with KRS 64.520.

Section 4. The salaries of assistant Commonwealth's attorneys, stenographers and district detectives prescribed by section 1, 2 and 3 of this Act shall be paid notwithstanding the provisions of KRS 64.520.

Section 5. Whereas, in counties having a population of 200,000 or more, an increase in the number of prosecutions in the criminal branch of the circuit courts has necessitated the creation of additional criminal division of such courts; and

Whereas it has been necessary to employ additional assistant Commonwealth's attorneys and stenographers for the conduct of the business of such courts; and

Whereas it is immediately necessary to provide for adequate compensation to such persons;

An emergency is hereby declared to exist and this Act shall become a law immediately upon its passage and approval by the Governor.

Said bill was ordered printed and referred.

The Senate message further announced that it had concurred and passed bills originating in the House of the following titles, viz:

H. B. No. 22. AN ACT relating to the revocation or suspension of alcoholic beverage licenses; amending Section 243.500 of the Kentucky Revised Statutes.

Said bill was ordered delivered to the Enrolling Clerk.

H. B. No. 115. AN ACT permitting the creation of a county Police Force Merit System, providing for the establishment of a Merit Board and defining its powers and duties, and providing for the classification, qualifications, examinations, appointment, tenure, promotion, demotion, fine, suspension, discipline, immunities and removal of police personnel, prohibiting certain defined political activities, providing pnalties therefor and repealing laws in conflict.

Said bill was ordered delivered to the Enrolling Clerk.

Mr. Barnum moved that the reading of the Journal of the proceedings of Thursday, February 7, 1952, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Helton moved that the rules of the House be suspended for the purpose of making a motion.

Said motion was disagreed to.

The Speaker complimented the Custodian on the prompt attention given to the flag behind the Speaker's Chair. The flag having been replaced by a new one.

Mr. Early moved that when the House adjourns today, that it adjourn out of respect of Abraham Lincoln.

Said motion was agreed to.

Mr. Sanders moved to have the Committee on Committees to request the Chairman of all Committees to have memographed copies of amendments and substitutes, memographed for the House Members for study.

Said motion was agreed to.

Mrs. Burnett presented H. Res. No. 34, which was read by the Clerk as follows, viz:

A RESOLUTION directing the Judicial Council to conduct a study of the divorce laws of this state, and other matters, and submit a report and proposed legislation to the 1954 General Assembly.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Kentucky Judicial Council is directed to make a thorough investigation ofthe existing divorce laws of this and other states and submit to the 1954 General Assembly a written report of its findings accompanied by proposed legislation revising the divorce laws. In connection with its investigation of the divorce laws, the Judicial Council shall also investigate the so-called "Family Courts" which are being so successfully employed in many states to handle domestic relations and shall incorporate in its report its findings concerning such courts. The Judicial Council may, in its proposed legislation revising the divorce laws, incorporate, insofar as possible under the existing Constitutional restrictions, provisions relating to a "Family Court."

Section 2. That the staff and facilities of the Legislative Research Commission be available to the Judicial Council for use in carrying out its duties under this Resolution.

Mrs. Burnett moved the adoption of said resolution.

Said resolution was adopted.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Mr. Barnum, Lawrence, Holsclaw, Baer.

H. B. No. 300. AN ACT relating to an exception to the requirement of separate schools for white and colored students, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The provisions of KRS 158.020 shall not apply to any non-tax-supported institution of learning whose governing authorities elect to admit students of both the white and colored races. Such institution may limit the election to certain institutions, grades, or prescribed courses of learning.

Said bill was ordered printed and referred.

By Mr. Maglinger.

H. B. No. 301. AN ACT relating to the working hours of policemen in cities of the second class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 95.495 of the Kentucky Revised Statutes is amended to read as follows:

In all cities of the second class within the Commonwealth of Kentucky, except those in which, by referendum ordinance, the patrolmen are employed or paid by the day, the members of the police department shall not be required to work more than eight hours per day for five days each week, except in the event of an emergency. Each member of the police department in such cities of the second class shall have an annual leave of fifteen days with full pay.

Said bill was ordered printed and referred.

By Mr. Maglinger.

H. B. No. 302. AN ACT relating to fees and cost in police courts, amending subsection (2) of section 26.430 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of section 26.430 of the Kentucky Revised Statutes is amended to read as follows:

(2) The police court in cities of the second class may assess, in addition to fine or imprisonment, any sum in its discretions, not exceeding four dollars, as costs against any defendant convicted in the court, and may enforce its payment by imprisonment in the jail or workhouse, as in the case of fines. No judgment for costs shall be rendered in favor of the city for a greater amount than the fine, unless the police judge is of the opinion that a judgment for full costs should be rendered, and so certifies on the record.

Said bill was ordered printed and referred.

By Mr. Maglinger.

H. B. No. 303. AN ACT relating to utilities owned by cities of the second to sixth classes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 96.540 of the Kentucky Revised Statutes is amended to read as follows:

(1) No city of the second, third, fourth, fifth or sixth class that owns a waterworks system or lighting system by gas or electricity, shall sell, convey, lease or encumber the system or the income therefrom without the assent of two-thirds of the total number of legal voters of the city voting at an election held for that purpose, after sixty consecutive days' notice of the election before the date of the election has been published in the newspaper having the largest circulation in the city. If, in the case of a city of the fourth, fifth or sixth class, no newspaper is published in the city, notice shall be given by handbills posted up in at least ten public places in the city for not less than sixty days prior to the date of the election.

Said bill was ordered printed and referred.

COMMITTEE REPORTS

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 226. AN ACT relating to the further empowering the Commisisoner of Highways to establish certain highways through fourth, fifth, and sixth class cities.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 230. AN ACT relating to the use of certain funds for the acquisition of space for the Division of Unemployment Insurance and the Department of Economic Security; amending KRS 341.245.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes, No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 20. AN ACT relating to district detectives.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 69.110 of the Kentucky Revised Statutes is amended to read as follows:

(2) In counties containing a city of the second class the

Commonwealth's attorney shall, and in counties not containing a city of the second class but containing a population of 40,000 or more persons may, if the fiscal court of such county concurs therein, appoint a district detective having a term of four years subject to removal at any time by the Commonwealth's Attorney. District detectives authorized herein may receive an annual salary of not less than $1,800, nor more than $3,600, to be paid out of the county levy in equal monthly installments.

With Committee amendment therto, by way of substitute, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 69.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) In counties having a population of 150,000 or more the Commonwealth's attorney shall appoint four district detectives fora term of four years subject to removal at any time by the Commonwealth's attorney. The district detectives shall each be paid a salary of $2,800 annually, paid out of the county levy in equal monthly installments.

(2) In counties containing a city of the second class the Commonwealth's attorney shall appoint a district detective for a term of four years subject to removal at any time by the Commonwealth's attorney. He shall receive an annual salary of not less than $1,800, nor more than $3,600, to be paid out of the county levy in equal monthly installments.

(3) The detectives appointed pursuant to sub-sections (1), (2) or (5) of this section shall have the same powers of arrest and right to execute process as sheriffs have. They shall assist the Commonwealth's attorney in all matters pertaining to his office in the manner he designates and shall assist him in the preparation of all criminal cases in circuit court by investigating the evidence and facts connected with such cases.

(4) In counties containing a city of the first class the fiscal court may authorize the payment out of the county treasury of sums sufficient to reimburse the district detectives for expenses

incurred for gasoline and motor oil used in the performance of their official duties, and may prescribe the amount, manner and conditions of payment.

(5) In counties containing a population of 40,000 or more persons but not containing a city of the second class, the Commonwealth's attorney may, if the fiscal court concurs therein, appoint a district detective having a term of four years subject to removal at any time by the Commonwealth's attorney. Such district detectives may receive an annual salary of not less than $1,800 nor more than $3,600.

With the expression of opinion that same should pass, by way of Committee substitute.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 224. AN ACT relating to child labor.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 227. AN ACT relating to the Department of Welfare, amending Section 439.100 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky

Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 229. AN ACT concerning clay mining.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Amos Runyon, Chairman of the Committee on Education, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 231. AN ACT relating to the selection and adoption of textbooks for use in public schools.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Amos Runyon, Chairman of the Committee on Education, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 51 AN ACT relating to the election of county superintendents.

Without an expression of opinion.

Mr. Amos Runyon Chairman of the Committee on Education, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 40. AN ACT relating to school transportation.

With the expression of opinion that same should not pass.

Whereupon, said bill was rejetced.

Mr. L. M. Weathers, Chairman of the Committee on Cities of the Fifth Class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 40. AN ACT changing the classification of the City of Jeffersontown, in Jefferson County.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Public Utilities, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 87. AN ACT authorizing water districts to acquire, develop, maintain and operate gas systems.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Walter R. Moorman, Chairman of the Committee on Agriculture, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 212. AN ACT relating to rabies control, livestock and dog protection.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. For the purposes of this Act, the following terms shall have the following meanings:

(1) "Livestock" shall include horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burrors, goats, kids, swine, and confined and domesticated hares and rabbits.

(2) "Poultry" shall include all domesticated fowl and all game birds which are legally kept in captivity.

(3) "Persons" shall include state and local officers, employes, individuals, corporations, co-partnerships and associations.

(4) "Owner," when applied to the proprietorship of a dog, shall include every person having right of property in such dog,

and every person who keeps or harbors such dog or has it in his care, and every person who permits such dog to remain on or about any premises owned or occupied by him.

(5) "Kennel" shall mean any establishment wherein or whereon dogs are kept for the purpose of breeding, sale, show or sporting purposes, and which is so constructed that dogs cannot stray therefrom.

(6) "Police Officer" shall mean any person employed or elected by this Commonwealth, or by any municipality, county, or district, whose duty it is to preserve peace or to make arrests or to enforce the law. The term includes State Police, game, fish and forest wardens, sheriffs, deputy sheriffs, constables, policemen and all other police or peace officers for any officer or employe of the Agriculture Department, and "Sheriff" shall include deputy sheriffs.

(7) "Agriculture Department" means the Department of Agriculture, Labor and Statistics.

(8) "Agriculture Commissioner" means the Commissioner of Agriculture, Labor and Statistics.

(9) "Health Department" means the Department of Health.

(10) "Health Commissioner" means the Commissioner of Health.

11) "Committee" means the Joint Advisory Committee established pursuant to this Act and empowered by provisions of this Act, and the provisions of any subsequent acts, to coordinate the enforcement of this Act.

(12) "Livestock Fund" means the fund established pursuant to this Act and shall include all receipts received through the Agriculture Department under the terms of this Act and in addition thereto, any appropriations made by the terms of this Act and by the terms of any subsequent Acts.

(13) "License" shall mean the dog or kennel license established and issued pursuant to provisions of this Act.

(14) "Vaccination Certificate" shall mean the official certificate of antirabies vaccination established and issued pursuant to the provisions of this Act.

(15) "Vaccinate" shall mean the subcutaneous or intramuscular injection of antirabies vaccine in doses recommended by the International Committee on Rabies or according to such standards as may be prescbired by the Health Commissioner.

(16) "Vaccine" shall mean the antirabies canine vaccine produced in a laboratory licensed by the United States to produce such vaccine.

(17) "Veterinarian" shall mean a practitioner of veterinary medicine who is duly licensed in the Commonwealth of Kentucky or who is specifically exempt from license by the provisions of KRS 321.200 subsection (d) and (e).

Section 2. As soon as possible after july 1, 1952, and on or before July 1 of each year after 1952, the owner of any dog six months old or over shall have such dog vaccinated according to the provisions of this Act.

Section 3. On or before July 1, 1952, and on or before July 1 of each year thereafter, the owner of any dog six months old or over shall apply to the sheriff of the county in which he resides or to the Agriculture Department for a license for each such dog owned or kept by him. Such application shall be accompanied by a license fee of $1.50 for each dog. The sheriffs of the counties shall be agents of the Commonwealth in the collection of the license fees provided for herein, unless and until the Agriculture Department shall determine, with the approval of the Governor, to issue all licenses directly; and for services rendered in collecting and paying over the same, such sheriffs shall be allowed to retain the sum of 25c for each license. The balance of the license fee collected shall be paid to the Agriculture Department on or before the 15th day of each next succeeding month and shall be paid into the State Treasury by the Agriculture Department and credited to the Livestock Fund.

Section 4. A dog license bearing a serial number and such other information as will properly identify the dog shall be is-

sued on a form prescribed and supplied by the Agriculture Department and shall be void on January 1 of the following year. Upon issuance of the license, the owner shall be furnished a tag prescribed and supplied by the Agriculture Department bearing a serial number corresponding with the serial number of the license. If a license or tag is lost, duplicates shall be issued.

Section 5. (1) The tag provided for in Section 4 of this Act shall be affixed to a substantial collar furnished by the owner which shall be kept on the dog at all times, and only the owner or his authorized agent shall remove the collar with attached tag from any dog.

(2) No license or tag issued for one dog shall be transferrable to another dog except as provided in Section 8 of this Act.

(3) Any dog not bearing a tag shall prima facie be deemed to be unlicensed, and in any proceedings under this Act the burden of proof of the fact that a dog has been licensed shall be on the owner of the dog.

Section 6. Any person becoming the owner of a dog which has not already been licensed after July 1 of any year, and any owner of any dog which becomes six months old after July 1 of any year shall forthwith apply for and procure a license and tag for his dog in the same manner as the annual license is obtained.

Section 7. (1) Any person who keeps or operates a kennel may, in lieu of the license for each dog required by Section 4 of this Act, apply to the sheriff or the Agriculture Department for a kennel license entitling him to keep or operate the kennel. Such application shall be accompanied by a license fee of $10.00 for each license to keep ten dogs or less and twenty-five dollars for each license to keep more than ten dogs. Such kennel license fees shall be collected, paid to the Agriculture Department, converted into the State Treasury and credited to the Livestock Fund in the same manner as the regular dog license fees as provided in Section 3 of this Act.

(2) A kennel license shall be issued on a form prescribed and supplied by the Agriculture Department.

Section 8. (1) Upon the issuance of a kennel license, the person who keeps or operates the kennel shall be furnished a number of tags prescribed and supplied by the Agriculture Department equal to the number of dogs authorized to be kept in the kennel.

(2) The licensee of a kennel shall keep a tag attached to a collar on each dog kept by him at all times, and such tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel.

Section 9. (1) No dog authorized to be kept by a kennel licensee shall be permitted to stray or be taken anywhere outside the limits of the kennel, except temporarily and in leash, or temporarily for the purpose of hunting, breeding, trial or show.

(2) Any dog outside of the kennel in violation of subsection (1) of this section shall be considered as if never licensed.

Section 10. Each sheriff shall keep a record of all dog and kennel licenses issued and shall report to the Agriculture Department monthly his license sales on a form prescribed and supplied by the Agriculture Department. The record maintained shall be a public record.

Section 11. The county tax commissioner in each county shall annually, at the time of assessing real property, make diligent inquiry as to the number of dogs owned, harbored, or kept by a person. He shall make a complete report of his findings to the sheriff and the Agriculture Department on a form prescribed and supplied by the Agriculture Department on or before December 31 of each year.

Section 12. The Agriculture Commissioner charged with the enforcement of the provisions of this Act relating to the licensing and regulation of dogs and the protection of livestock from damage by dogs. He may employ all proper means and may enter into agreements with local agencies and organizations to aid and assist in the enforcement of the Act. The Agriculture Department shall make and promulgate such rules and regulations for the enforcement of this Act as the Agriculture Commissioner may deem reasonable and necessary. The Agri-

culture Department may employ such personnel as may be necessary, and persons so employed shall have all of the powers of peace or police officers with respect to the enforcement of this Act and may enter upon the premises of any person for the purpose of investigation upon displaying a badge of identification to be furnished by the Agriculture Department.

Section 13. The Health Commissioner shall be charged with the enforcement of the provisions of this Act relating to the vaccination of dogs and the issuing of vaccination certificates. He may employ all proper means and may enter into agreements with local agencies and organizations to aid and assist in the enforcement of the Act. The Health Department may employ such personnel as may be necessary for the effective enforcement of the provisions of this Act for which it is responsible. The Health Department shall make and promulgate such rules and regulations as the Health Commissioner may deem reasonable and necessary.

Section 14. To achieve the coordination essential to enforcement of this Act, the responsibility for advising the Agriculture Department and the Health Department, as well as conferring approval where provided for herein, is vested in a Joint Advisory Committee. The Committee shall be composed of the Agriculture Commissioner, or his designate, the Health Commissioner, or his designate, and four members appointed by the Governor as follows: one from a list of three persons nominated by the Kentucky Veterinary Medical Association, one from a list of three persons nominated by the Kentucky Farm Bureau Federation, one from a list of three persons nominated by the Bluegrass State Sheep Association, and one from a list of three persons nominated by the Kentucky Purebred Livestock Association. The appointed members shall serve for a term of four years and until their successors are appointed and qualify. The committee shall elect a chairman and shall meet at such time and such place as the chairman shall designate. Four members present at any meeting shall constitute a quorum, and upon the written request of any three members the chairman shall call a meeting of the committee at the time and place requested. Committee members not already employed by the state shall be

compensated at the rate of $15.00 per day for committee services rendered and shall be reimbursed for any actual expense incurred in performing committee duties.

Section 15. (1) All costs and expenses incident to the enforcement of this Act incurred by the Agriculture Department shall be paid out of the Livestock Fund; provided, however, that the total amount so paid shall not exceed $170,000 in any fiscal year except upon approval of the committee.

(2) All costs and expenses incident to the enforcement of this Act incurred by the Health Department shall be paid out of the Livestock Fund; provided, however, that the total amount so paid shall not exceed $30,000 in any fiscal year, except with approval of the committee.

Section 16. (1) There shall be held in each county of the state annually at such time and for such duration as the Health Department shall prescribe a dog vaccination clinic so that all dog owners may have a reasonable period of time during which to have their dogs vaccinated.

(2) Except as provided in subsection (3) and (4), the clinic in each county shall be conducted by veterinarians who practice veterinary medicine in the county where the clinic is held.

(3) In those counties where no veterinarian practices veterinary medicine, the Board of Agriculture shall obtain veterinarians from other counties of the state to conduct the clinic; but if none can be obtained, the Health Department shall designate veterinarians who are employed by the Commonwealth of Kentucky or the Bureau of Animal Industry of the United States Department of Agriculture to conduct the clinic Veterinarians who are so employed and designated shall be furnished vaccine necessary to conduct the clinic paid for out of the Livestock Fund and the Health Department shall reimburse them for travel and other actual expenses incurred in conducting the clinic.

(4) If no veterinarians can be obtained according to the provisions of subsections (1), (2), and (3), the clinic may be conducted and vaccine administered by a person whom the

Health Department has authorized, and properly instructed in the administration of antirabies vaccine.

Section 17. (1) In a county where there is a practicing veterinarian the vaccination of any dog at any time other than during the vaccination clinic provided for in Section 16 of this Act shall be by a veterinarian.

(2) In a county where there is no practicing veterinarian the vaccination of any dog at any time other than during the vaccination clinic provided for in Section 16 of this Act shall by a person whom the Health Department has authorized and properly instructed in the administration of antirabies vaccine.

Section 18. (1) For the vaccination of each dog pursuant to the provisions of subsection (1) of section 16, the owner thereof shall pay to the veterinarian or authorized person performing this service a fee as follows:

(a) For vaccination at a vaccination clinic the sum of $1.00; provided, however, that after one year from the effective date of this Act, the Board of Agriculture, with approval of the committee, may adjust this fee to an amount in line with charges of cost of the service performed;

(b) For vaccination other than at a vaccination clinic such amount as the veterinarian or authorized person performing the vaccination usually charges for such service.

(2) All fees for vaccination collected according to the provisions of Section 16, subsections (3) and (4), of this Act by veterinarians or authorized persons employed by the Commonwealth of Kentucky or the United States shall be paid by them to the Commissioner of Agriculture and credited to the Livestock Fund.

Section 19. The veterinarian or other authorized person who vaccinates a dog shall issue to the owner thereof a vaccination certificate on a form prescribed and supplied by the Health Department. The vaccination certificate shall be prepared and issued in duplicate; one copy to be retained and filed by the issuing veterinarian or authorized person, one copy to be retained by the owner of the dog vaccinated. No vaccination

certificate shall be issued or be valid for more than one year unless and until the Health Department authorizes the use of a new vaccine which may be developed and which demonstrates its ability to confer longer immunity.

Section 20. When the incidence of rabies in dogs in any county or designated area of this state decreases sufficiently to warrant it, the Board of Agriculture, with approval of the committee, may declare the county or area free from rabies in dogs. When such a declaration has been made; the Health Department shall notify the sheriff or sheriffs concerned in writing, and, after publicizing the declaration by regulations which give adequate notice to all dog owners, may suspend the provisions of this Act which require that all dogs subject to license shall be vaccinated.

Section 21. (1) Any person may bring, or cause to be brought into the state, for a period of ninety days, one or more dogs for show, trial, or breeding purposes without securing a license, and any person holding a Kentucky nonresident hunting license may, without securing a license or licenses therefor, bring or cause to be brought into the state one or more dogs for the purpose of hunting game during any hunting season when hunting with dogs is permitted by law, if a similar exemption from the necessity of securing dog licenses is afforded for hunting purposes to residents of Kentucky by the state of such person's residence; provided, however, that each dog is equipped with a collar bearing a name plate giving the name and address of the owner.

(2) In any proceedings under this Act the burden of proof of the fact that a dog has been imported for hunting, breeding, trial or show purposes shall be upon the owner of the dog.

Section 22. (1) It shall be the duty of every police officer to seize and detain any dog which bears a proper license tag and which is found running at large, either upon the public streets or highways of the Commonwealth, or upon the property of other than the owner of such dog, and unaccompanied by the owner or keeper. Any police officer is hereby authorized and empowered to go upon any premises and enter any building to seize and detain any dog which has been found running

at large unaccompanied by the owner or keeper, when such police officer is in any immediate pursuit of any such dog. The police officer shall cause any dog bearing a proper license tag and so seized and detained to be properly kept and fed, and shall cause immediate notice, either personal or by registered mail, to be given to the person in whose name the license was procured, or his agent, to claim such dog within ten days. The owner of a dog so detained shall pay all reasonable expenses incurred by reason of its detention, under the provisions of this section, before the dog is returned. If, after ten days from the giving of such notice, the dog has not been claimed, the police officer shall dispose of such dog by sale or by destruction in some humane manner. No dog so caught and detained shall be sold for the purpose of vivisection. All moneys derived from the sale of such dog, after deducting the expense of its detention and sale, shall be paid to the Agriculture Commissioner and credited to the Livestock Fund.

(2) It shall be the duty of every police officer to destroy any dog which does not bear a proper license tag, which is found running at large.

Section 23. An officer shall be paid the sum of two dollars for destroying and properly disposing of the carcass of each unlicensed dog by cremation, burial, or other approved sanitary method. All expenses incurred under this or the preceding section and not otherwise provided for, shall be paid by the Agriculture Commissioner from the Livestock Fund.

Section 24. (1) It shall be unlawful for any police officer to refuse to perform his duties under the provisions of this Act, or to refuse to assist in the enforcement of this Act upon request of the Agriculture Commissioner.

(2) It shall be unlawful for any person to interfere with any officer or agent in the enforcement of this Act.

Section 25. (1) Any person may kill any dog which he sees in the act of pursuing, worrying, or wounding any livestock, or wounding or killing poultry, or attacking human beings, whether or not such dog bears the license tag required by

the provisions of this Act. There shall be no liability on such person in damages or otherwise for such killing.

(2) Any unlicensed dog, not accompanied by its owner or keeper, that enters any field or inclosure where livestock or poultry are confined shall constitute a private nuisance and the owner or tenant of such field, or his agent or servant, may kill such dog while it is in the field or inclosure, without liability or responsibility of any nature for such killing.

(3) Subsection (2) hereof shall not apply to licensed dogs, when accompanied by their owner or handler, unless caught in the act of worrying, wounding or killing any livestock, or wounding or killing poultry, or attacking human beings.

(4) Any person who has been attacked by a dog, or any one for such person, may make a complaint before a Justice of the Peace, or Judge of any Police or Quarterly Court, charging the owner or keeper of such dog with harboring a vicious dog. A copy of such complaint shall be served upon the person so charged in the same manner and subject to the same laws regulating the service of summons in civil actions directing him to appear for a hearing of such complaint at a time fixed therein. If such person shall fail to appear at the time fixed, or if upon a hearing of the parties and their witnesses, the Court shall find the person so charged is the owner or keeper of the dog in question, and that the dog has viciously and without cause, attacked a human being when off the premises of the owner or keeper, such official shall order the said owner or keeper to henceforth keep such dog securely confined.

(5) For his services in such proceedings, the judge or justice of the peace and the police officer shall be entitled to the same fees to which they are entitled for performing similar services in civil cases. In all proceedings under this section, such court shall place the costs upon either party as he may determine.

(6) It shall be unlawful for the owner or keeper of any vicious dog, after receiving such order, to permit such dog to run at large, or to appear on the public highways unless in leash. Any such dog found running at large may be killed by any police officer without liability for damages for such killing.

Section 26. (1) All dogs are hereby declared to be personal property and subjects of larceny. Except as provided in Section 25 of this Act, it is unlawful for any person, except a police officer, to destroy, injure, or poison, or attempt to destroy, injure, or poison, any dog which bears a license tag for the current year.

(2) It shall be unlawful for any person to place any dog-button or any poison of any description in any place, on his own premises or elsewhere, where it may be easily found and eaten by dogs.

Section 27. It shall be unlawful for the owner or keeper of any female dog to permit her to go beyond the premises of such owner or keeper at any time she is in heat, unless she is properly in leash.

Section 28. (1) The owner or keeper of every dog shall at all times between the hours of sunset and sunrise of each day keep such dog: (a) confined within an inclosure from which it cannot escape, or (b) firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured, or (c) under the reasonable control of some person or when engaged in lawful hunting accompanied by an owner or handler.

(2) Any police officer may destroy any dog found running at large between the hours of sunset and sunrise and unaccompanied and not under the control of the owner or handler.

Section 29. (1) Any owner or keeper of a dog which has killed or injured livestock or poultry or which has bitten such livestock or poultry so severely as to necessitate its destruction, shall be liable to the owner of such livestock or poultry, in a civil action, for all damages and costs, or to the Commonwealth.

(2) Whenever any person sustains any loss or damage to any livestock or poultry by dogs, or any livestock or poultry of any person is necessarily destroyed because of having been bitten by a dog, except when such loss, destruction or damage shall have been caused by a dog harbored by the owner of such livestock or poultry, such person or his agent or attorney may, im-

mediately after the damage is done, complain to a duly authorized agent of the Agriculture Department. Such complaint shall be in writing, shall be signed by the person making such complaint, and shall state when, where, and how such damage was done, and by whose dog or dogs, if known. Upon receipt of such complaint, the agent of the Agriculture Department shall at once examine the place where the alleged loss or damage was sustained and the livestock or poultry injured or killed, and shall examine under oath or affirmation, any witnesses called before him. After making diligent inquiry in relation to such claim, such agent, acting as appraiser, shall determine whether any damage has been sustained and the amount thereof and, if possible, who was the owner of the dog or dogs by which such damage was done. If the owner does not agree as to the amount of damage allowed by the appraiser, the owner and appraiser may appoint a disinterested citizen to assist in determining the amount of damage sustained. For such services, the said disinterested citizen shall receive two dollars and mileage at five cents per mile for the distance traveled, which shall be paid by the owner and considered as part of the costs in such claim.

Section 30. (1) Upon receipt by the Agriculture Department of the appraisal report, the Agriculture Commissioner, if he approves the report, shall certify the amount thereof, together with the costs of the proceedings, to the Department of Finance which draws a warrant in the amount thereof on the State Treasurer payable out of the Livestock Fund. If the commissioner does not approve the appraisal report, he shall ascertain the amount of damage sustained.

(2) The state shall succeed to all rights and interests of the owner of livestock or poultry which has been killed or injured by dogs to the extent of any payment made by the state out of the Livestock Fund.

Section 31. (1) No payment shall be made for any injury to or destruction of livestock or poultry if payment has been made by the owner of the dog or dogs doing the injury. The fact that no such payment has been made shall be certified by the claimant.

(2) When any payment is made by the state for any livestock or poultry injured by a dog, such payment shall not exceed one hundred dollars for each horse, or mule; one hundred and fifty dollars for each head of registered cattle; one hundred twenty-five dollars for each head of unregistered cattle; twenty-five dollars for each head of unregistered swine, sheep or goats; fifty dollars for each head of registered swine, sheep or goats; three dollars for each full grown goose; five dollars for each full grown turkey; and one dollar for each head of other poultry, or domesticated hare or rabbit. All appraisals under this Act shall be the actual value of the livestock, including poultry killed or injured.

Section 32. Owners of licensed dogs which are killed by any police officer, without justification under the provisions of this Act, shall be recompensed for the value of such dog out of the Livestock Fund in the same manner as owners of livestock or poultry killed or injured by dogs are recompensed. The proceedings for appraisal of the value of the dog and payment of the claim shall conform to the procedures prescribed by Sections 29 and 30 of this Act except that no claim shall exceed one hundred dollars.

The state shall recover the amount paid to the owner of the dog from the officer responsible for the unjustified killing.

Section 33. (1) Any valid claims, or parts thereof, for loss or damage to sheep, horses, mules, cattle, swine or poultry which have accrued under the provisions of Chapter 258 of the Kentucky Revised Statutes, and any such claims which may accrue prior to July 1, 1952 shall not abate by reason of the repeal of such Act, but to the extent that funds are available for the payment thereof, such claims shall be paid out of the available fund of the proper county; and for such purposes the provisions of said Act are hereby saved from repeal.

(2) Any such claims remaining unpaid out of the available fund of the proper county after December 31, 1953, shall be paid from the Livestock Fund to the extent of available funds as determined by the committee and in the order of their presentation; provided, however, that no such claims presented after December 31, 1954, shall be so paid.

Section 34. (1) If, in the report of the appraiser, the name of the owner of any dog or dogs having caused loss or damage to any livestock or poultry is definitely and conclusively shown or if a written complaint is filed with the Commissioner of Agriculture by any owner of livestock or poultry against any dog, stating that such dog has been seen pursuing or worrying livestock or poultry, and if such charge is proven by investigation on the part of the Agriculture Department, the Agriculture Commissioner may notify the owner or keeper of such dog to immediately destroy the same; whereupon it shall be unlawful and a violation of this Act for such owner or keeper to permit or cause such dog, while alive, to leave or be removed from such premises. The destroying of such dogs shall not remove the liability of the owner for such damage done by his dog. Upon failure of such owner to comply with such order within a period of ten days, any police officer, upon notice from the Agriculture Department, shall destroy such dog wherever found. For such service he shall be entitled to a fee of one dollar for each dog so destroyed, to be paid out of the Livestock Fund upon presentation to the Agriculture Department of satisfactory proof that such dog has been destroyed by him.

(2) Any person who owns or harbors an unlicensed dog shall forfeit any right to be reimbursed out of the Livestock Fund for any damage to his livestock or poultry by dogs.

Section 35. It shall be unlawful for any person knowingly to make any false statement or to conceal any fact required to be disclosed under any of the provisions of this Act.

Section 36. (1) When the inhabitants of any city, or county, or of any part thereof, have suffered an excessive amount of damage to livestock or poultry or domestic game birds by dogs, a petition may be presented to the Agriculture Commissioner, signed by twenty or more of such inhabitants who are owners of livestock or poultry, alleging such excessive damage and requesting that a quarantine be placed on all dogs within the limits of such city, or county, or such part thereof. Upon receipt of such petition, the Agriculture Department may, through its authorized agents, have an investigation made of the facts alleged therein and, if convinced that conditions in such

city, county, or such designated area, demand such stringent measures, may establish a dog control quarantine therein.

(2) When such quarantine is established, at least ten notices thereof shall be posted throughout the area affected thereby, and notices thereof shall also be published in at least one issue of a newspaper of general circulation throughout such city, or county.

(3) It shall be unlawful for any person, residing in the area affected by such quarantine, to permit a dog owned or harbored by him to run at large in such quarantined area, or to leave the premises where it is kept, unless accompanied by and under the control of the owner or a handler.

(4) Any police officer may destroy any dog running at large in a quarantined area, in violation of such quarantine, without any liability for such destruction.

Section 37. Notwithstanding any of the terms or provisions of this Act, the Commonwealth of Kentucky shall not be liable for any loss, injury to, or destruction of livestock, poultry, or licensed dogs under any of the terms or provisions of this Act except as to such claims arising after June 30, 1953, and then only to the extent that monies may be available in the Livestock Fund for the payment of such claims. Within the meaning of this section, the loss, injury to, or damage of livestock, poultry or licensed dogs must happen or occur after June 30, 1953.

Section 38. Nothing in this Act shall be construed to prohibit or to limit the right of any municipality to pass or enforce any ordinance with respect to the regulation of dogs, the provisions of which are not inconsistent with the terms and provisions of this Act. Nothing in this Act shall be construed to repeal any of the provisions of the fish and game laws of the Commonwealth of Kentucky now in effect, nor any laws relating to the powers and duties of the State Board of Health, or of any health officer relating to mad dogs or dogs affected with any disease, or to prohibit the destroying of licensed or unlicensed dogs in accordance with the provisions of any quarantine regulations made in accordance with the provisions of any local or state health law.

Section 39. (1) Any person violating or failing or refusing to comply with any of the provisions of this Act shall, upon conviction, be fined not less than five dollars nor more than one hundred dollars or imprisoned for not less than five nor more than sixty days or both so fined and imprisoned.

(2) All fines collected under this Act shall, after costs and commissions have been deducted, be paid to the Agriculture Department to be converted to the State Treasury and credited to the Livestock Fund.

Section 40. Except as provided in Section 33 of this Act, Chapter 258 of the Kentucky Revised Statutes hereby is repealed in its entirety.

Section 41. In addition to the license fees, fines and other revenues provided by this Act, there hereby is appropriated to the Agriculture Department for the account of the Livestock Fund for the administration and enforcement of this Act, the sum of $30,000 for the fiscal year 1952-53.

Section 42. The Livestock Fund shall constitute a revolving fund and any balance remaining in said fund at the end of any fiscal year shall be carried over to the next succeeding year and no part thereof shall revert to the General Fund, except that on the first day of January, 1955, and on the first day of January of any year thereafter any unencumbered sum in excess of $200,000 standing to the credit of the Livestock Fund shall revert to the General Fund.

With Committee amendment thereto, by way of substitute, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. For the purposes of this Act, the following terms shall have the following meanings:

(1) "Livestock" shall include horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine, and confined and domesticated hares and rabbits.

(2) "Poultry" shall include all domesticated fowl and all game birds which are legally kept in captivity.

(3) "Persons" shall include state and local officers, employes, individuals, corporations, co-partnerships and associations.

(4) "Owner," when applied to the proprietorship of a dog, shall include every person having a right of property in such dog, and every person who keeps or harbors such dog or has it in his care, and every person who permits such dog to remain in or about any premises owned or occupied by him.

(5) "Kennel" shall mean any establishment wherein or whereon dogs are kept for the purpose of breeding, sale, show or sporting purposes, and which is so constructed that dogs cannot stray therefrom.

(6) "Police Officer" shall mean any person employed or elected by this Commonwealth, or by any municipality, county, or district, whose duty it is to preserve peace or to make arrests or to enforce the law. The term includes State Police, game, fish and forest wardens, sheriffs, deputy sheriffs, constables, policemen and all other police or peace officers for any officer or employe of the Agriculture Department, and "Sheriff" shall include deputy sheriffs.

(7) "Agriculture Department" means the Department of Agriculture, Labor and Statistics.

(8) "Agriculture Commissioner" means the Commissioner of Agriculture, Labor and Statistics.

(9) "Board of Agriculture" shall mean the State Board of Agriculture.

(10) "Health Department" means the Department of Health.

(11) "Health Commissioner" means the Commissioner of Health.

(12) "Committee" means the Joint Advisory Committee established pursuant to this Act and empowered by provisions

of this Act, and the provisions of any subsequent acts, to coordinate the enforcement of this Act.

(13) "Livestock Fund" means the fund established pursuant to this Act and shall include all receipts received through the Agriculture Department under the terms of this Act and in addition thereto, any appropriations made by the terms of this Act and by the terms of any subsequent Acts.

(14) "License" shall mean the dog or kennel license established and issued pursuant to provisions of this Act.

(15) "Vaccination Certificate" shall mean the official certificate of antirabies vaccination established and issued pursuant to the provisions of this Act.

(16) "Vaccinate" shall mean the subcutaneous or intramuscular injection of antirabies vaccine in doses recommended by the International Committee on Rabies according to such standards as may be prescribed by the Kentucky State Board of Agriculture.

(17) "Vaccine" shall mean the antirabies canine vaccine produced in a laboratory duly licensed with the Kentucky State Board of Agriculture.

(18) "Veterinarian" shall mean a practitioner of veterinary medicine who is duly licensed and accredited in the Commonwealth of Kentucky.

Section 2. As soon as possible after July 1, 1952, the owner of any dog six months old or over shall have such dog vaccinated according to the provisions of this Act.

Section 3. On or before July 1, 1952, and on or before July 1 of each year thereafter, the owner of any dog six months old or over shall apply to the sheriff of the county in which he resides for a license for each such dog owned or kept by him. Such application shall be accompanied by a license fee of $1.50 for each dog. Any license issued for the year of 1952 before July 1, 1952 will be effective until July 1, 1953. The sheriffs of the counties shall be agents of the Commonwealth in the collection of the license fees provided for herein, unless and until the Agriculture Department shall determine, with the approval

of the Governor, to issue all licenses directly; and for services rendered in collecting and paying over the same, such sheriffs shall be allowed to retain the sum of 25c for each license. The balance of the license fee collected shall be paid to the Agriculture Department on or before the 15th day of each next succeeding month and shall be paid into the State Treasury by the Agriculture Department and credited to the Livestock Fund.

Section 4. A dog license bearing a serial number and such other information as will properly identify the dog shall be isued on a form prescribed and supplied by the Agriculture Department and shall be void on July 1 of the following year. Upon issuance of the license, the owner shall be furnished a tag prescribed and supplied by the Agriculture Department bearing a serial number corresponding with the serial number of the license. If a license or tag is lost, duplicates shall be issued.

Section 5. (1) The tag provided for in Section 4 of this Act shall be affixed to a substantial collar furnished by the owner which shall be kept on the dog at all times, and only the owner or his authorized agent shall remove the collar with attached tag from any dog.

(2) No license or tag issued for one dog shall be transferrable to another dog except as provided in Section 8 of this Act.

(3) Any dog not bearing a tag shall prima facie be deemed to be unlicensed, and in any proceedings under this Act the burden of proof of the fact that a dog has been licensed shall be on the owner of the dog.

Section 6. Any person becoming the owner of a dog which has not already been licensed after July 1 of any year, and any owner of any dog which becomes six months old after July 1 of any year shall forthwith apply for and procure a license and tag for his dog in the same manner as the annual license is obtained.

Section 7. (1) Any person who keeps or operates a kennel may, in lieu of the license for each dog required by Section 4 of this Act, apply to the sheriff or the Agriculture Department for a kennel license entitling him to keep or operate the kennel. Such application shall be accompanied by a license

fee of $10.00 for each license to keep ten dogs or less and twenty-five dollars for each license to keep more than ten dogs. Such kennel license fees shall be collected, paid to the Agriculture Department, converted into the State Treasury and credited to the Livestock Fund in the same manner as the regular dog license fees as provided in Section 3 of this Act.

(2) A kennel license shall be issued on a form prescribed and supplied by the Agriculture Department.

Section 8. (1) Upon the issuance of a kennel license, the person who keeps or operates the kennel shall be furnished a number of tags prescribed and supplied by the Agriculture Department equal to the number of dogs authorized to be kept in the kennel.

(2) The licensee of a kennel shall keep a tag attached to a collar on each dog kept by him at all times, and such tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel.

Section 9. (1) No dog authorized to be kept by a kennel licensee shall be permitted to stray or be taken anywhere outside the limits of the kennel, except temporarily and in leash, or temporarily for the purpose of hunting, breeding, trial or show.

(2) Any dog outside of the kennel in violation of subsection (1) of this Section shall be considered as if never licensed.

Section 10. Each sheriff shall keep a record of all dog and kennel licenses issued and shall report to the Agriculture Department monthly his license sales on a form prescribed and supplied by the Agriculture Department. The record maintained shall be a public record.

Section 11. The county tax commissioner in each county shall annually, at the time of assessing real property, make diligent inquiry as to the number of dogs owned, harbored, or kept by a person. He shall make a complete report of his findings to the sheriff and the Agriculture Department on a form prescribed and supplied by the Agriculture Department on or before December 31 of each year.

Section 12. The Agriculture Commissioner charged with

the enforcement of the provisions of this Act relating to the licensing and regulation of dogs and the protection of livestock from damage by dogs. He may employ all proper means and may enter into agreements with local agencies and organizations to aid and assist in the enforcement of the Act. The Agriculture Department shall make and promulgate such rules and regulations for the enforcement of this Act as the Agriculture Commissioner may deem reasonable and necessary. The Agriculture Department may employ such personnel as may be necessary, and persons so employed shall have all of the powers of peace or police officers with respect to the enforcement of this Act and may enter upon the premises of any person for the purpose of investigation upon displaying a badge of identification to be furnished by the Agriculture Department.

Section 13. The State Department of Health shall hold an annual clinic in each county for mass immunization. The Department of Agriculture shall assist the Board of Health in establishing said clinics. There shall be appropriated $15,000 annually to the State Department of Health for the expenses of holding said clinics.

Section 14. To achieve the coordination essential to enforcement of this Act, the responsibility for advising the Agriculture Department and the Health Department, as well as conferring approval where provided for herein, is vested in a Joint Advisory Committee. The Committee shall be composed of the Agriculture Commisisoner, or his designate, the Health Commissioner or his designate, and five members appointed by the Governor as follows: one from a list of three persons nominated by the Kentucky Veterinary Medical Association, one from a list of three persons nominated by the Kentucky Farm Bureau Federation, one from a list of three persons nominated by the Bluegrass State Sheep Association, one from a list of three persons nominated by the Kentucky Purebred Livestock Association and one from a list of three persons nominated by Kennel Clubs of Kentucky. The appointed members shall serve for a term of four years and until their successors are appointed and qualify. The committee shall elect a chairman and shall meet at such time and such place as the chairman shall designate. Four members present at any meeting shall constitute a quorum,

and upon the written request of any three members the chairman shall call a meeting of the committee at the time and place requested. Committee members not already employed by the state shall be compensated at the rate of $15.00 per day for committee services rendered and shall be reimbursed for any actual expense incurred in performing committee duties.

Section 15. (1) All costs and expenses incident to the enforcement of this Act incurred by the Agriculture Department shall be paid out of the Livestock Fund; provided however, that the total amount so paid shall not exceed $200,000 in any fiscal year except upon approval of the committee. There shall be appropriated to the Department of Agriculture $15,000 for the fiscal year 1952-53 for the purpose of initiating this Act.

Section 16. (1) There shall be held in each county of the state annually at such time and for such duration as the Board of Agriculture and State Board of Health shall prescribe, a dog vaccination clinic so that all dog owners may have a reasonable period of time during which to have their dogs vaccinated.

(2) Except as provided in subsection (3) and (4), the clinic in each county shall be conducted by veterinarians who practice veterinary medicine in the county where the clinic is held.

(3) In those counties where no veterinarian practices veterinary medicine, the Board of Agriculture shall obtain veterinarians from other counties of the state to conduct the clinic; but if none can be obtained, the Board shall designate veterinarians who are employed by the Commonwealth of Kentucky. Veterinarians who are so employed and designated shall be furnished vaccine necessary to conduct the clinic paid for out of the Livestock Fund. Travel and other actual expenses incurred in conducting the clinic shall be paid out of the Livestock Fund.

(4) The State Board of Agriculture shall assist the Department of Health in establishing vaccination clinics in the county.

Section 17. (1) In a county where there is a practicing veterinarian the vaccination of any dog at any time other than during the vaccination clinic provided for in Section 16 of this

Act shall be a veterinarian under the supervision of the Livestock Sanitation Division.

Section 18. (1) For the vaccination of each dog pursuant to the provisions of subsection (1) of section 16, the owner thereof shall pay to the veterinarian or authorized person performing this service a fee as follows:

(a) For vaccination at a vaccination clinic the sum of $1.00; provided, however, that after one year from the effective date of this Act, the Board of Agriculture, with approval of the committee, may adjust this fee to an amount in line with changes of cost of the service performed;

(b) For vaccination other than at a vaccination clinic such amount as the veterinarian usually charges for such service.

(2) All fees for vaccination collected according to the provisions of Section 16, subsections (3) and (4), of this Act by veterinarians or authorized persons employed by the Commonwealth of Kentucky shall be paid by them to the Commissioner of Agriculture and credited to the Livestock Fund.

Section 19. The veterinarian or other authorized person who vaccinates a dog shall issue to the owner thereof a vaccination certificate on a form prescribed and supplied by the Board of Agriculture. The vaccination certificate shall be prepared and issued in triplicate; one copy to be retained and filed by the issuing veterinarian or authorized person, one copy to be retained by the owner of the dog vaccinated. No vaccination certificate shall be issued or be valid for more than one year unless and until the Board of Agriculture authorized the use of a new vaccine which may be developed and which demonstrates its ability to confer longer immunity.

Section 20. When the incidence of rabies in dogs in any county or designated area of this state decreases sufficiently to warrant it, the Board of Agriculture, with approval of the committee, may declare the county or area free from rabies in dogs. When such a declaration has been made, the Board of Agriculture shall notify the sheriff or sheriffs concerned in writing, and, after publicizing the declaration by regulations

which give adequate notice to all dog owners, may suspend the provisions of this Act which require that all dogs subject to license shall be vaccinated.

Section 21. (1) Any person may bring, or cause to be brought into the state, for a period of ninety days, one or more dogs for show, trial, or breeding purposes without securing a license, and any person holding a Kentucky nonresident hunting license may, without securing a license or licenses therefor, bring or cause to be brought into the State one or more dogs for the purpose of hunting game during any hunting season when hunting with dogs is permitted by law, if a similar exemption from the necessity of securing dog licenses is afforded for hunting purposes to residents of Kentucky by the state of such person's residence; provided, however, that each dog is equipped with a collar bearing a name plate giving the name and address of the owner.

(2) In any proceedings under this Act the burden of proof of the fact that a dog has been imported for hunting, breeding, trial or show purposes shall be upon the owner of the dog.

Section 22. (1) It shall be the duty of every police officer to seize and detain any dog which bears a proper license tag and which is found running at large, either upon the public streets or highways of the Commonwealth, or upon the property of other than the owner of such dog, and unaccompanied by the owner or keeper. Any police officer is hereby authorized and empowered to go upon any premises and enter any building to seize and detain any dog which has been found running at large unaccompanied by the owner or keeper, when such police officer is in any immediate pursuit of any such dog. The police officer shall cause any dog bearing a proper license tag and so seized and detained to be properly kept and fed, and shall cause immediate notice, either personal or by registered mail, to be given to the person in whose name the license was procured, or his agent, to claim such dog within ten days. The owner of a dog so detained shall pay all reasonable expenses incurred by reason of its detention, under the provisions of this section, before the dog is returned. If, after ten days from the

giving of such notice, the dog has not been claimed, the police officer shall dispose of such dog by sale or by destruction in some humane manner. No dog so caught and detained shall be sold for the purpose of vivisection. All moneys derived from the sale of such dog, after deducting the expense of its detention and sale, shall be paid to the Agriculture Commissioner and credited to the Livestock Fund.

(2) It shall be the duty of every police officer to destroy any dog which does not bear a proper license tag, which is found running at large.

Section 23. An officer shall be paid the sum of $1.50 for destroying and properly disposing of the carcass of each unlicensed dog by cremation, burial, or other approved sanitary method. All expenses incurred under this or the preceding section and not otherwise provided for, shall be paid by the Agriculture Commissioner from the Livestock Fund.

Section 24. (1) It shall be unlawful for any police officer to refuse to perform his duties under the provisions of this Act, or to refuse to assist in the enforcement of this Act upon request of the Agriculture Commissioner.

(2) It shall be unlawful for any person to interfere with any officer or agent in the enforcement of this Act.

Section 25. (1) Any person may kill any dog which he sees in the act of pursuing, worrying, or wounding any livestock, or wounding or killing poultry, or attacking human beings, whether or not such dog bears the license tag required by the provisions of this Act. There shall be no liability on such person in damages or otherwise for such killing.

(2) Any unlicensed dog, not accompanied by its owner or keeper, that enters any field or inclosure where livestock or poultry are confined shall constitute a private nuisance and the owner or tenant of such field, or his agent or servant, may kill such dog while it is in the field or inclosure, without liability or responsibility of any nature for such killing.

(3) Subsection (2) hereof shall not apply to licensed dogs, when accompanied by their owner or handler, unless caught in

the act of worrying, wounding or killing any livestock, or wounding or killing poultry, or attacking human beings.

(4) Any person who has been attacked by a dog, or any one for such person, may make a complaint before a Justice of the Peace, or Judge of any Police or Quarterly Court, charging the owner or keeper of such dog with harboring a vicious dog. A copy of such complaint shall be served upon the person so charged in the same manner and subject to the same laws regulating the service of summons in civil actions directing him to appear for a hearing of such complaint at a time fixed therein. If such person shall fail to appear at the time fixed, or if upon a hearing of the parties and their witnesses, the Court shall find the person so charged is the owner or keeper of the dog in question, and that the dog has viciously and without cause, attacked a human being when off the premises of the owner or keeper, such official shall order the said owner or keeper to henceforth keep such dog securely confined.

(5) For his services in such proceedings, the judge or justice of the peace and the police officer shall be entitled to the same fees to which they are entitled for performing similar services in civil cases. In all proceedings under this section, such court shall place the cost upon either party as he may determine.

(6) It shall be unlawful for the owner or keeper of any vicious dog, after receiving such order, to permit such dog to run at large, or to appear on the public highways unless in leash. Any such dog found running at large may be killed by any police officer without liability for damages for such killing.

Section 26. (1) All licensed dogs are hereby declared to be personal property and subjects of larceny. Except as provided in Section 25 of this Act, it is unlawful for any person, except a police officer, to destroy, injure, or poison, or attempt to destroy, injure, or poison, any dog which bears a license tag for the current year.

(2) It shall be unlawful for any person to place any dog-button or any poison of any description in any place, on his own premises or elsewhere, where it may be easily found and eaten by dogs.

Section 27. It shall be unlawful for the owner or keeper of any female dog to permit her to go beyond the premises of such owner or keeper at any time she is in heat, unless she is properly in leash.

Section 28. (1) The owner or keeper of every dog shall at all times between the hours of sunset and sunrise of each day keep such dog: (a) confined within an inclosure from which it cannot escape, or (b) firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured, or (c) under the reasonable control of some person or when engaged in lawful hunting accompanied by an owner or handler.

(2) Any police officer may destroy any dog found running at large between the hours of sunset and sunrise and unaccompanied and not under the control of the owner or handler.

Section 29. (1) Any owner or keeper of a dog which has killed or injured livestock or poultry or which has bitten such livestock or poultry so severely as to necessitate its destruction, shall be liable to the owner of such livestock or poultry, in a civil action, for all damages and costs, or to the Commonwealth.

(2) Whenever any person sustains any loss or damage to any livestock or poultry by dogs, or any livestock or poultry of any person is necessarily destroyed because of having been bitten by a dog, except when such loss, destruction or damage shall have been caused by a dog harbored by the owner of such livestock or poultry, such person or his agent or attorney may, immediately after the damage is done, complain to a duly authorized agent of the Agriculture Department. Such complaint shall be in writing, shall be signed by the person making such complaint, and shall state when, where, and how such damage was done, and by whose dog or dogs, if known. Upon receipt of such complaint, the agent of the Agriculture Department shall at once examine the place where the alleged loss or damage was sustained and the livestock or poultry injured or killed, and shall examine under oath or affirmation, any witnesses called before him. After making diligent inquiry in relation to such claim, such agent, acting as appraiser, shall determine whether any damage has been sustained and the

amount thereof and, if possible, who was the owner of the dog or dogs by which such damage was done. If the owner does not agree as to the amount of damage allowed by the appraiser, the owner and appraiser may appoint a disinterested citizen to assist in determining the amount of damage sustained. For such services, the said disinterested citizen shall receive two dollars and mileage at five cents per mile for the distance traveled, which shall be paid by the owner and considered as part of the costs in such claim.

Section 30. (1) Upon receipt by the Agriculture Department of the appraisal report, the Agriculture Commissioner, if he approves the report, shall certify the amount thereof, together with the costs of the proceedings, to the Department of Finance which draws a warrant in the amount thereof on the State Treasurer payable out of the Livestock Fund. If the commissioner does not approve the appraisal report, he shall ascertain the amount of damage sustained.

(2) The state shall succeed to all rights and interests of the owner of livestock or poultry which have been killed or injured by dogs to the extent of any payment made by the State out of the Livestock Fund.

Section 31. (1) No payment shall be made for any injury to or destruction of livestock or poultry if payment has been made by the owner of the dog or dogs doing the injury. The fact that no such payment has been made shall be certified by the claimant.

(2) When any payment is made by the state for any livestock or poultry, injured by a dog, such payment shall not exceed one hundred dollars for each horse, or mule; one hundred and fifty dollars for each head of registered cattle; one hundred twenty-five dollars for each head of unregistered cattle; twenty-five dollars for each head of unregistered swine, sheep or goats; fifty dollars for each head of registered swine, sheep or goats; three dollars for each full grown goose; five dollars for each full grown turkey; and one dollar for each head of other poultry, or domesticated hare or rabbit. All appraisals under this Act shall be the actual value of the livestock, including poultry killed or injured.

Section 32. Owners of licensed dogs which are killed by any police officer, without justification under the provisions of this Act, shall be recompensed for the value of such dog out of the Livestock Fund in the same manner as owner of livestock or poultry killed or injured by dogs are recompensed. The proceedings for appraisal of the value of the dog and payment of the claim shall conform to the procedures prescribed by Sections 29 and 30 of this Act except that no claim shall exceed one hundred dollars.

The state shall recover the amount paid to the owner of the dog from the officer responsible for the unjustified killing.

The state shall recover the amount paid to the owner of the dog from the officer responsible for the unjustified killing.

Section 33. (1) Any valid claims, or parts thereof, for loss or damage to sheep, horses, mules, cattle, swine or poultry which have accrued under the provisions of Chapter 258 of the Kentucky Revised Statutes, and any such claims which may accrue prior to July 1, 1952 shall not abate by reason of the repeal of such Act, but to the extent that funds are available for the payment thereof, such claims shall be paid out of the available fund of the proper county; and for such purposes the provisions of said Act are hereby saved from repeal.

(2) Any such claims remaining unpaid out of the available fund of the proper county after December 31, 1953, shall be paid from the Livestock Fund to the extent of available funds as determined by the committee and in the order to their presentation; provided, however, that no such claims presented after December 31, 1954, shall be so paid.

Section 34. (1) If, in the report of the appraiser, the name of the owner of any dog or dogs having caused loss or damage to any livestock or poultry is definitely and conclusively shown or if a written complaint is filed with the Commissioner of Agriculture by any owner of livestock or poultry against any dog, stating that such dog has been seen pursuing or worrying livestock or poultry, and if such charge is proven by investigation on the part of the Agriculture Department, the Agriculture Commissioner may notify the owner or keeper of such dog to

immediately destroy the same; whereupon it shall be unlawful and a violation of this Act for such owner or keeper to permit or cause such dog, while alive, to leave or be removed from such premises. The destroying of such dogs shall not remove the liability of the owner for such damage done by his dog. Upon failure of such owner to comply with such order within a period of ten day, any police officer, upon notice from the Agriculture Department, shall destroy such dog wherever found. For such service he shall be entitled to a fee of one dollar for each dog so destroyed, to be paid out of the Livestock Fund upon presentation to the Agriculture Department of satisfactory proof that such dog has been destroyed by him.

(2) Any person who owns or harbors an unlicensed dog shall forfeit any right to be reimbursed out of the Livestock Fund for any damage to his livestock or poultry by dogs.

Section 35. It shall be unlawful for any person knowingly to make any false statement or to conceal any fact required to be disclosed under any of the provisions of this Act.

Section 36. (1) When the inhabitants of any city, or county, or of any part thereof, have suffered an excessive amount of damage to livestock or poultry or domestic game birds by dogs, a petition may be presented to the Agriculture Commissioner, signed by twenty or more of such inhabitants who are owners of livestock or poultry, alleging such excessive damage and requesting that a quarantine be placed on all dogs within the limits of such city, or county, or such part thereof. Upon receipt of such petition, the Agriculture Department may, through its authorized agents, have an investigation made of the fact alleged therein, and if convinced that conditions in such city, county or such designated area, demand such stringent measures, may establish a dog control quarantine therein.

(2) When such a quarantine is established, at least ten notices thereof shall be posted throughout the area affected thereby, and notice thereof shall also be published in at least one issue of a newspaper of general circulation throughout such city, or county.

(3) It shall be unlawful for any person, residing in the area affected by such quarantine, to permit a dog owned or

harbored by him to run at large in such quarantined area, or to leave the premises where it is kept, unless accompanied by and under the control of the owner or handler.

(4) Any police officer may destroy any dog running at large in a quarantined area, in violation of such quarantine, without any liability for such destruction.

Section 37. Notwithstanding any of the terms or provisions of this Act, the Commonwealth of Kentucky shall not be liable for any loss, injury to, or destruction of livestock, poultry, or licensed dogs under any of the terms or provisions of this Act except as to such claims arising after June 30, 1953, and then only to the extent that monies may be available in the Livestock Fund for the payment of such claims. Within the meaning of this section, the loss, injury to, or damage of livestock, poultry or licensed dogs must happen or occur after June 30, 1953.

Section 38. Nothing in this Act shall be construed to prohibit or to limit the right of any municipality to pass or enforce any ordinance with respect to the regulation of dogs, the provisions of which are not inconsistent with the terms and provisions of this Act. Nothing in this Act shall be construed to repeal any of the provisions of the fish and game laws of the Commonwealth of Kentucky now in effect, nor any laws relating to the powers and duties of the State Board of Health, or of any health officer relating to mad dogs or dogs affected with any disease, or to prohibit the destroying of licensed or unlicensed dogs in accordance with the provisions of any quarantine regulations made in accordance with the provisions of any local or state health law.

Section 39. (1) Any person violating or failing or refusing to comply with any of the provisions of this Act shall, upon conviction, be fined not less than five dollars nor more than one hundred dollars or imprisoned for not less than five nor more than sixty days or both so fined and imprisoned.

(2) All fines collected under this Act shall, after costs and commissions have been deducted, be paid to the Agriculture Department to be converted to the State Treasury and credited to the Livestock Fund.

Section 40. Except as provided in Section 33 of this Act, Chapter 258 of the Kentucky Revised Statutes hereby is repealed in its entirety.

Section 41. The Livestock Fund shall constitute a revolving fund and any balance remaining in said fund at the end of any fiscal year shall be carried over the next succeeding year and no part thereof shall revert to the General Fund, except that on the first day of January, 1955, and on the first day of January of any year thereafter any unencumbered sum in excess of $200,000 standing to the credit of the Livestock Fund shall revert to the General Fund.

With the expression of opinion that same should pass, by way of Committee substitute.

Whereupon, said bill was read at length for the first time and ordered placed on the calendar.

CALENDAR

The House took up for consideration from the Calendar, House Bill No. 146 of the following title, viz:

Mr. Lowman moved that the constitutional provision as to the second reading at length of said bill be dispensed with, and said bill be read for the second time by its title only.

Said motion was agreed to .

H. B. No. 146 AN ACT relating to appointment of members of the board of trustees of the University of Kentucky.

ORDERS OF THE DAY

Mr. Lowman moved that the consideration of H. B. No. 142 and 145 be passed and that they retain their place in the Orders of the Day.

Said motion was agreed to.

Mr. Lowman moved that the consideration of H. B. No. 198 and 196 be passed and that they retain their place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 139 AN ACT concerning stockyards.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this chapter, unless the context requires otherwise:

(a) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics;

(b) "Department" means the Department of Agriculture, Labor and Statistics;

(c) "Stockyard" means a livestock yard, market place, consentration point, packing plant or any other place where livestock is bought and sold but does not apply to private sales of livestock being transmitted beyond the market zone;

(d) "Market Zone" means the area surrounding a public market, defined by the Commissioner for the purposes of this Chapter.

(e) "Owners and Operators" means the persons responsible for the operation of a stockyard.

(f) "Livestock" means cattle, calves, swine, sheep and goats.

Section 2. The department shall administer and enforce the provisions of this chapter and shall enforce, with respect to stockyards, all laws for the control and eradication of communicable disease in livestock. The department may adopt such regulations as may be necessary to carry out the provisions of this chapter.

Section 3. The commissioner shall employ such inspectors and other employees as are necessary for the enforcement of this chapter. Their duties and compensation shall be prescribed by the commissioner.

Section 4. The commissioner shall establish and define

in the area surrounding every public market a market zone within the boundaries of which it shall be unlawful for any person to buy, sell or exchange any livestock unless such person shall comply with the provisions of this chapter. The provisions of this section shall not apply to livestock that has been duly received and penned.

Section 5. (1) The owner or operator of a stockyard shall file with the department an appliction for a license to operate such business under the provisions of this chapter. In instances where two or more stockyards are owned or operated by the same person, a separate application for a license shall be filed for each stockyard. The application shall state the nature of the business to be conducted at the stockyard, the city, county and complete post office address at which the business is to be conducted, together with such additional information as the commissioner may require. Applications shall be made on forms to be provided by the commissioner.

(2) In the case of applications for licenses to operate stockyards not in existence upon the effective date of this chapter, any such application shall be accompanied by a detailed copy of the plans and specifications of such stockyard and premises and the applicant must show the existence of a necessity for the establishment of a stockyard at the proposed location.

Section 6. Before issuing a license the department shall investigate the necessity for a stockyard at the applicant's location and shall inspect the stockyard. The department may refuse to issue a license if it is found that there is no necessity for a stockyard at applicant's location or that applicant has failed to comply with the provisions of this chapter or with the provisions of Chapter 257 of the Kentucky Revised Statutes.

Section 7. (1) The owner or operator of each stockyard shall pay an annual license fee of $50.000 plus $20.00 for each scale operated in excess of one.

(2) All license fees collected under this chapter shall be paid into the State Treasury for the use of the department to defray the expense of enforcement of this chapter.

Section 8. The department may revoke any stockyard license for violation of any provision of this chapter or any provision of Chapter 257 of the Kentucky Revised Statutes or at any time when the necessity for the existence of the stockyard at the licensed location no longer exists.

Section 9. The owner or operator of each stockyard shall file, at the beginning of each month, a sworn statement with the department showing the exact number of livestock received at the stockyard for sale during the preceding month. Such statements shall be made on forms furnished by the department.

Section 10. The owner or operator of each stockyard shall withhold from any money payable to the owner of livestock sold at such stockyard a fee of one cent per head on all swine, sheep and goats and three cents per head on all cattle and calves and shall remit such fees collected to the State Treasury for deposit in a revolving fund to be used by the department to defray the expense of administration of this Act.

Section 11. The owners or operators of stockyards which do not operate under the provisions of the Federal Packers and Stockyards Act of 1921 shall furnish a bond payable to the department for the benefit of any farmer to whom such owner or operator is unable to pay for livestock received. Said bond shall be in an amount equal to the sum of two average days' receipts but shall be for not less than $2,000 nor more than $50,000 plus ten per cent of the excess.

Section 12. All scales used in stockyards shall be of a type registering beam scale with balance indicators. Such scales shall be tested every six months by a scale agency approved by the department and certification of such scales shall be exhibited before issuance or renewal of a stockyard license.

Section 13. The owner or operator of a stockyard shall furnish a bond to the department in the sum of $1,000 with surety to be approved by the department conditioned on the faithful performance by its weighmen of their duties. If any weighman willfully misrepresents or attemps to misrepresent the weight of any animal, the bond shall be forfeited and the

proceeds paid into the State Treasury and be credited to the General Fund.

Section 14. (1) Any person who violates the provisions of section 4 of this chapter shall be guilty of a misdemeanor punishable by a fine of not less than fifty dollars nor more than two hundred dollars for the first offense and not less than four hundred dollars nor more than one thousand dollars for each subsequent offense.

(2) Any person who violates the provisions of section 13 or who attempts by any means to induce a weighman to falsely report the weight of any animal, shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten thousand dollars or imprisonment for not more than five years, or both.

(3) Any person who violates any provision of section 9 shall be fined not less than twenty-five dollars nor more than one hundred dollars. Each failure to file the monthly report required by Section 9 shall constitute a separate offense.

(4) Any person who violates any provisions of this chapter for which no other penalty is provided, or who violates any regulation of the department, or who refuses to pay the fees herein provided, shall be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not more than three months or both.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constiutional provision as to the third

reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Henry C. Hale	Joe Rouse
J. Everett Bach	Eugene B. Hancock	Carl J. Ruh
Sidney Baer	John Head	Amos Runyon
John Rhea Banton	William K. Henry	Cecil Sanders
Wm. W. Blanton	Thomas D. Hewlett	Clem Schroader
Ed. T. Breathitt	Henry R. Heyburn	Gus F. Sheehan, Jr.
Edward O. Bridgers	E. R. Hilton	Dr. B. F. Shields
Thomas L. Britton	Ray Holbrook	John A. Sloan
Mrs.MaryE.Burnete	William M. Horn	E. A. Spencer
Alex H. Calvert	Paul S. Jonas	Mrs. Thelma Stovall
Walter J. Chyle, Jr.	William L. Jones	E. H. (Ted) Stumbo
Lewis W. Combest	Jennings Kearby	Egbert V. Taylor
Marvin A. Cornett	Paul M. Lewis	Albert Thomason
R. Josh Cosby	Mrs. J. T. Linton	William F. Threlkeld
Charles M. Crowe	Harry K. Lowman	Marion Vance
C. E. Dowell	William Maglinger	J. B. Veech
JamesA.Dressman,Jr.	Russell L. Meadows	Eulick (Mike) Walsh
Thomas R. Duncan	Tom Mobley	Wm.ThomasWathen
R. L. Dunigan	Walter R. Moorman	L. M. Weathers
Jack Early	Earl F. Murphy	W. W. Webster
Harold Edwards	Thomas J. Murphy	Hicks Wells
William Engle	Ewin C. Neville	William B. Wells
Roscoe Estep	Bart N. Peak	W.A.(Pete)Wickliffe
Herbert Fern	Louis T. Peniston	Walker H. Wiseman
Wm. P. Friedlander	Hobart Rayburn	Garrett L. Withers
Chas. M. Greene	Tipton Reed	—77

Those who voted in the negative were—

Leslie Gay	J. F. Robinson	Charles W. Wirsch

—3

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was

passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 123 AN ACT relating to bail.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 72 of Carroll's Kentucky Criminal Code of Practice is amended to read as follows:

Admission to bail is an order from competent court, magistrate, or circuit court clerk, that the defendant be discharged from actual custody on bail.

Section 2. Section 73 of Carroll's Kentucky Criminal Code of Practice is amended to read as follows:

The taking of bail consists in the acceptance by a competent court, magistrate, circuit court clerk, or officer, of the undertaking of sufficient bail for the appearance of the defendant according to the terms of the undertaking, or that the bail will pay to the Commonwealth the specified sum.

Section 3. Section 81 of Carroll's Kentucky Criminal Code of Practice is amended to read as follows:

If the defendant be committed to jail, and the application for bail be made to a magistrate or judge of the circuit court during vacation, it must be by written petition, signed by the defendant or his counsel, briefly stating the offense for which he is committed, and naming the persons offered as bail. In all other cases, the application may be made orally to the court, magistrate, circuit court clerk, or officer.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Roscoe Estep	Fred H. Morgan
J. Everett Bach	Wm. P. Friedlander	Earl F. Murphy
Sidney Baer	Chas. M. Greene	Thomas J. Murphy
John Rhea Banton	Henry C. Hale	Ewin C. Neville
Clarence J. Barnum	Eugene B. Hancock	Bart N. Peak
Wm. W. Blanton	William K. Henry	Louis T. Peniston
Ed. T. Breathitt	Thomas D. Hewlett	Hobart Rayburn
Edward O. Bridgers	Henry R. Heyburn	Tipton Reed
Thomas L. Britton	E. R. Hilton	J. F. Robinson
Mrs.MaryE.Burnete	Ray Holbrook	Joe Rouse
Walter J. Chyle, Jr.	Chester J. Holsclaw	Carl J. Ruh
Lewis W. Combest	William M. Horn	Amos Runyon
Marvin A. Cornett	William L. Jones	Cecil Sanders
R. Josh Cosby	Jennings Kearby	Clem Schroader
Charles M. Crowe	James W. Lambert	Gus F. Sheehan, Jr.
C. E. Dowell	Jesse H. Lawrence	Dr. B. F. Shields
JamesA.Dressman,Jr.	Paul M. Lewis	John A. Sloan
Thomas R. Duncan	Mrs. J. T. Linton	E. A. Spencer
R. L. Dunigan	Harry K. Lowman	Mrs. Thelma Stovall
Jack Early	William Maglinger	E. H. (Ted) Stumbo
Harold Edwards	Russell L. Meadows	Egbert V. Taylor
William Engle	Tom Mobley	Albert Thomason

William F. Threlkeld	L. M. Weathers	W.A.(Pete)Wickliffe
J. B. Veech	W. W. Webster	Charles W. Wirsch
Eulick (Mike) Walsh	Hicks Wells	Garrett L. Withers
Wm.ThomasWathen	William B. Wells	–77

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Calvert moved that the House do now recess for 10 minutes for the purpose of having a meeting of the Committee on Public Utilities.

Said motion was disagreed to.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed bills originating in that body as follows, viz:

S. B. No. 86. AN ACT relating to the powers of the governing bodies of the state institutions of higher education, the limitations on salaries payable, and related matters.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Anything in any statutes of the Commonwealth to the contrary notwithstanding, the power over and control of appointments, qualifications, salaries and compensation payable out of the State Treasury or otherwise, promotions and official relations of all employees of the University of Kentucky, as provided in KRS 164.220, and, subject to any restrictions imposed by general law, the retirement ages and benefits of such employees, shall be under the exclusive jurisdiction of the Board of Trustees of the University of Kentucky, which shall be an independent agency and instrumentality of the Commonwealth.

Section 2. Anything in any statute of the Commonwealth

to the contrary notwithstanding, the power over and control of appointments, qualifications, salaries and compensation payable out of the State Treasury or otherwise, promotions, and official relations of all employees of Eastern Kentucky State College, Western Kentucky State College, Murray State College, and Morehead State College, as provided in KRS 164.350 and 164.360, and of Kentucky State College, shall be under the exclusive jurisdiction of the respective governing boards of each of the institutions named.

Section 3. Kentucky Revised Statutes, Sections 156.010 and 64.640, and any other statute, to the extent that they provide that the University of Kentucky, Eastern Kentucky State College, Western Kentucky State College, Murray State College, and Morehead State College shall be included in the Department of Education and constitute a division thereof, are hereby repealed.

Section 4. The maximum annual salary payable out of the State Treasury for the offices and positions of President of the University of Kentucky, President of Eastern Kentucky State College, President of Western Kentucky State College, President of Murray State College, President of Morehead State College, and President of Kentucky State College, shall be $9,000, and KRS 64.650 shall be applicable to subordinate positions.

Section 5. None of the provisions of KRS 42.110, 42.120 or 42.130 shall be applicable to the officers and employees of the University of Kentucky, Eastern Kentucky State College, Western Kentucky State College, Murray State College, Morehead State College, or Kentucky State College.

Said bill was ordered printed and referred.

S. B. No. 113. AN ACT relating to education.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 156.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Education shall consist of the State Board of Education and the Superintendent of Public Instruction, who shall be the head of the Department.

(2) The Department of Education shall exercise all the administrative functions of the state in relation to the management and control of the public common schools, of vocational education and rehabilitation of West Kentucky Vocational School, and of the Kentucky School for the Blind.

(3) The Board of Commissioners of the Kentucky School for the Deaf and the State Textbook Commission are included in the Department of Education and constitute divisions thereof, but each shall continue to exercise all the functions conferred upon it by law.

Section 2. Section 156.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Board of Education shall have the management and control of the common schools, public vocational education and vocational rehabilitation, West Kentucky Vocational School, and the Kentucky School for the Blind.

(2) The State Board of Education may, on the recommendation and with the advice of the Superintendent of Public Instruction, prescribe, print, publish and distribute at public expense such rules, regulations, courses of study, curriculums, bulletins, programs, outlines, reports and placards as it deems necessary for the efficient management, control and operation of the schools under its jurisdiction. All rules and regulations of the board shall be published before they will be deemed in full force and effect.

(3) In its capacity as a board of control for the West Kentucky School, the board may receive by any legal mode of conveyance, and hold and enjoy, property of any description.

Section 3. Section 156.130 of the Kentucky Revised Statutes is amended to read as follows:

The Superintendent of Public Instruction shall be the executive officer of the State Board of Education in its administration of all public education placed under its management and con-

trol, and shall perform such duties as are assigned to him by the board. He shall be responsible for the administration of the Department of Education. He shall execute, under the direction of the State Board of Education, the educational policies decided upon by the board, and shall direct, under general rules and regulations adopted by the board, the work of all persons engaged in the administration of the common schools and public vocational education and vocational rehabilitation. He may clothe his assistants with full power of attorney to act for him in the supervision, inspection and administration of the schools over which he has supervisory and administrative control.

Section 4. Section 156.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Superintendent of Public Instruction shall annually prepare or cause to be prepared, and submit for approval and publication by the State Board of Education, a list of all public and private high schools or other secondary schools in the state, showing the classification of each.

(2) He shall, from time to time, prepare or cause to be prepared, and submit for approval and publication by the State Board of Education, such bulletins, programs, outlines of courses, placards, and courses of study as he deems useful in the promotion of the interest of the public schools, vocational education and vocational rehabilitation.

(3) He shall also prepare for publication by the State Board of Education the rules, regulations, minimum standards for schools and educational policies or programs adopted by the board for the operation, regulation and government of the schools under its supervision.

Section 5. Section 164.010 of the Kentucky Revised Statutes is amended to read as follows:

There shall be a Council on Public Higher Education in Kentucky, to be composed of the president or chief executive officer of the University of Kentucky, Eastern Kentucky State College, Western Kentucky State College, Murray State College, Morehead State College and Kentucky State College; a member, other than the Superintendent of Public Instruction, of the board

of regents of each of the state colleges to be selected by the board of regents of each state college; three appointive members of the board of trustees of the University of Kentucky to be selected by the board of trustees of the University; two lay members of the State Board of Education to be selected by the State Board of Education; the dean of the College of Education of the University of Kentucky; and the Superintendent of Public Instruction, who shall be chairman of the Council. When the Council meets to consider curricula for teacher training, three persons who are from accredited institutions of higher learning, who are not members of the Council, and who have been appointed by the Executive Committee of the Association of Kentucky Colleges and Universities, shall be invited to meet with the Council in an advisory capacity.

Section 6. The introductory phrase and subsection (1) of Section 164.020 of the Kentucky Revised Statutes is amended to read as follows:

The Council on Public Higher Education in Kentucky shall:

(1) Coordinate the work and determine the curricular offerings of the state institutions of higher learning in Kentucky, on the basis of efficiency and economy.

Section 7. Section 164.030 of the Kentucky Revised Statutes is amended to read as follows:

The governing board of each of the state institutions of higher learning shall make such changes or adjustments in the curricula and such rules and regulations affecting their schools as are necessary to carry out and put into effect the rulings of the Council on Public Higher Education in regard to curricular offerings, entrance fees and qualifications for admission to and reports from their respective institutions.

Section 8. Section 164.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) The state colleges formerly designated as the state teachers colleges shall hereafter be known as the Eastern State College, located at Richmond, Kentucky, Western Kentucky State College, located at Bowling Green, Kentucky, Murray

State College, located at Murray, Kentucky, and Morehead State College, located at Morehead, Kentucky, and under such names are recognized as established and maintained.

(2) Kentucky State College located at Frankfort, Kentucky, is a land-grant state college and, as such, all the provisions of KRS Chapter 164, with the exception of the provision of KRS 164.320 concerning the appointment of the initial board of regents, applying to the other four state colleges shall likewise apply to Kentucky State College.

Section 9. A new section of the Kentucky Revised Statutes, to be numbered 164.305, is created to read as follows:

The Kentucky State College shall maintain a department of agriculture and the mechanic arts, and for that purpose is entitled to receive and shall receive an equitable portion of the money appropriated to the state by an Act of Congress approved August 30, 1890.

Section 10. Section 164.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board of regents for each of the state colleges shall consist of the Superintendent of Public Instruction, who shall be chairman of each board, and four members appointed by the Governor. The appointive members shall hold office for a term of four years from April 1 succeeding their appointment and until their successors are duly appointed and qualified. The appointments shall be made at the expiration of the terms of the members appointed pursuant to Chapter 65 of the Acts of 1934, and thereafter as the terms expire. Not more than two appointive members of any board shall be residents of one county, and not more than three members of any board, including the Superintendent of Public Instruction, shall belong to the same political party. No member of any board shall be held to be a public officer by reason of his membership on the board, nor shall membership on the board be incompatible with any public office. Appointments to fill vacancies shall be made in the same manner as regular appointments. The person appointed shall hold the position for the unexpired term. Each appointed member of each board shall, at the first meeting fol-

lowing his appointment, take an oath to faithfully discharge his duties.

(2) Forthwith upon the taking effect of this Act, the Governor shall appoint four members of the Board of Regents of Kentucky State College. One member shall serve until April 1, 1953, one until April 1, 1954, one until April 1, 1955, and one until April 1, 1956. Thereafter members shall serve for terms of four years and until their successors are appointed and qualify.

Section 11. Section 164.480 of the Kentucky Revised Statutes is amended to read as follows:

Every person who was engaged in any branch of the military or naval service of the United States, prescribed and classified by the United States War Department as a part of such service, during the wars that were declared on April 6, 1917, and any wars declared thereafter, respectively, and who at the time of his enlistment was a resident of Kentucky, is entitled to a free scholarship in any state higher educational institution that he chooses for a period required for the completion of the course of study selected by him. The scholarship includes free tuition, matriculation and other fees, room rent, fuel and lights, and the advantages and privileges of the institution, but does not include free board. Provided, however, that if the Federal Government provides for the education of veterans of any of the wars herein referred to, then this section shall not apply to such veterans.

Section 12. Section 164.520 of the Kentucky Revised Statutes is amended to read as follows:

The bond issued by the Commissioners of the Sinking Fund to themselves as trustees for the Agricultural and Mechanical College of Kentucky and the State Normal School for Colored Persons of Kentucky, bearing date July 1, 1897, for the sum of $165,000 and bearing interest at the rate of six percent, payable semiannually, remains in force and constitutes a perpetual obligation of the Commonwealth, and the interest thereon is a perpetual charge upon the treasury. The Department of Finance shall, on the first day of January and on the first day of July each year, draw its warrant on the State Treasurer for the sum of $627.75 in favor of the treasurer of Kentucky State College, and

its warrant rant on the State Treasurer for the sum of $4,322.25 in favor of the treasurer of the University of Kentucky.

Section 13. Section 166.010 of the Kentucky Revised Statutes is amended to read as follows:

The West Kentucky Vocational School, located at Paducah, is recognized as established and maintained. It shall be maintained by the state with such endowments, incomes, buildings and equipment as will enable it to do such work as is done in other institutions of corresponding rank and kind. The State Board of Education is vested with all powers and duties, not inconsistent with this chapter, held by the former board of trustees of the Western Kentucky Industrial College, and with all records and property held by such board or acquired by the State Board of Education for the benefit of the institution recognized by this section.

Section 14 Section 166.040 of the Kentucky Revised Statutes is amended to read as follows:

The purpose of the West Kentucky Vocational School is to make available facilities for vocational training for colored children to be carried on in accordance with the state plans for vocational education.

Section 15. Section 166.050 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education shall appoint a president for the West Kentucky Vocational School, and determine his salary and tenure of office. The term shall not exceed four years. Upon recommendation of the president, the State Board of Education shall appoint and determine the salaries, duties and official relations of all officers, teachers and other employees necessary for the successful operation of the school.

Section 16. Section 166.060 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education may remove the president, and upon recommendation of the president shall remove any officer, teacher or other employee, but neither the president nor any other officer or teacher shall be removed except for incom-

petency, neglect of or refusal to perform his duty, or for immoral conduct. Neither the president nor any other officer or teacher shall be removed until after ten days' notice in writing stating the nature of the charges preferred, and until after an opportunity has been given him to make defense before the board by counsel or otherwise, and to introduce testimony which shall be heard and determined by the board.

Section 17. Section 166.070 of the Kentucky Revised Statutes is amended to read as follows:

In the administration of the affairs of the West Kentucky Vocational School the president of the institution is the executive agent of the State Board of Education, and has general supervision, subject to the control of the board, of all educational and business affairs and disciplinary problems of the institution.

Section 18. Section 166.080 of the Kentucky Revised Statutes is amended to read as follows:

The secretary of the State Board of Education shall serve as secretary of the board and the State Treasurer shall serve as treasurer of the board in its administration of the West Kentucky Vocational School. The secretary shall prepare and keep all records, books and papers belonging to the board in its administration of said school. He shall keep a journal of the proceedings of the board in which, if requested by any member of the board, the "yeas" and "nays" on all questions shall be entered. He shall prepare, under the direction of the board, all reports and estimates.

Section 19. Section 166.090 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education shall meet at least once each year at the West Kentucky Vocational School for the purpose of inspecting the plant and observing the work and the needs of the school.

Section 20. Section 166.100 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education may purchase, hold and sell real and personal property in the name of the Commonwealth

for the use and benefit of the West Kentucky Vocational School and may condemn real estate in the manner provided by KRS 416.010 to 416.080. The board may construct improvements and do all things it deems necessary in carrying out the purposes for which the school is maintained. Revenue accruing by reason of the sale or conveyance of any real estate or building owned by it shall be reinvested in other real estate and buildings for use of the school. All appropriations, grants, bequests or donations for a specified use shall be applied to that use and no other.

Section 21. Section 166.110 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education shall adopt such rules and regulations as it deems proper for the government of the West Kentucky Vocational School and for the guidance of its employees and students. It may require of the president, teachers or other officers such reports as it deems necessary. All existing rules and regulations made by the preceding board of trustees shall remain in force until repealed by order of the State Board of Education.

Section 22. Section 166.120 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education may determine the number of departments of study, and shall prescribe the curricula for the West Kentucky Vocational School. The board may issue certificates or diplomas of graduation to students completing the prescribed curricula.

Section 23. Section 166.140 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education may invest the faculty or a committee of the faculty with power to suspend or expel any pupil for insubordination, immoral conduct, or disobedience of the rules and regulations of the school. The student suspended or expelled may appeal from the decision of the faculty, to the State Board of Education. The decision of the State Board of Education shall be final.

Section 24. Section 166.150 of the Kentucky Revised Statutes is amended to read as follows:

Tuition in the West Kentucky Vocational School shall be free to all colored residents of Kentucky. The State Board of Education shall fix the rate of tuition and the conditions on which pupils who are not residents of Kentucky may be admitted. The Board shall fix such incidental fees as it deems necessary to meet such incidental expenses as may be incurred.

Section 25. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Lincoln Institute in Shelby County, Kentucky, is hereby transferred to and shall become a part of Kentucky State College which shall continue to maintain and operate it as a high school for the benefit of Negro children of the Commonwealth who do not otherwise have the opportunities to attend an approved high school. The Board of Regents, acting through the president of Kentucky State College, shall determine who may attend Lincoln Institute in accordance with rules and regulations adopted by said Board and approved by the State Board of Education. In addition, Kentucky State College shall continue to maintain and operate Lincoln Institute as a model and practice school under the supervision of thoroughly trained teachers for the purpose of giving observation and practice work to student teachers.

(2) All appropriations heretofore or hereafter made to Lincoln Institute shall be transferred to and made available to the Board of Regents of Kentucky State College for the purpose of maintaining and operating Lincoln Institute.

Section 26. Sections 166.020, 166.030, 166.130 and 166.180 of the Kentucky Revised Statutes are repealed.

Said bill was ordered printed and referred.

Mr. Moorman moved that the House do now recess for 10 minutes for the purpose of having a meeting of the Committee on Agriculture.

Said motion was agreed to.

And then the House recessed.

After a time the Speaker resumed the Chair.

The House took up for consideration from the Orders of the Day, a bill of the following title, viz:

H. B. No. 78. AN ACT relating to advance fees of circuit clerks, amending Section 64.036 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.030 of Kentucky Revised Statutes is amended to read as follows:

Unless the plaintiff has established his right to prosecute as a poor person under K.R.S. 453.190, each circuit clerk shall, when each original action commencing with original process in his respective court is filed, collect fifteen dollars and apply it as a credit on the clerk's cost accruing in such action or suit.

The Committee on Ways and Means, offered the following amendment to said bill, viz:

Amendment No. 1. Amend printed copy of H. B. No. 78 on page 1, line 7, by striking out "fifteen" and inserting "ten." And moved its adoption.

Said motion was agreed to.

Said amendment was adopted.

Mr. Kearby moved the Previous Question.

Mr. Withers moved that H. B. No. 78 be tabled.

The yeas and nays being requested by two members, Mr. Lowman and Lambert, are as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Walter J. Chyle, Jr.	Leslie Gay
J. Everett Bach	Lewis W. Combest	Chas. M. Greene
Owen Billington	Marvin A. Cornett	Thomas D. Hewlett
Wm. W. Blanton	Charles M. Crowe	Henry R. Heyburn
J. C. Bradley	Jack Early	William M. Horn
Thomas L. Britton	Herbert Fern	James W. Lambert

Paul M. Lewis	Cecil Sanders	Albert Thomason
Walter R. Moorman	Clem Schroader	Hicks Wells
Louis T. Peniston	John A. Sloan	Charles W. Wirsch
Hobart Rayburn	E. A. Spencer	Garrett L. Withers
J. F. Robinson		—31

Those who voted in the negative were—

Sidney Baer	Paul S. Jonas	Amos Runyon
John Rhea Banton	Jennings Kearby	Gus F. Sheehan, Jr.
Clarence J. Barnum	Jesse H. Lawrence	Dr. B. F. Shields
Ed. T. Breathitt	Mrs. J. T. Linton	Mrs. Thelma Stovall
Edward O. Bridgers	Harry K. Lowman	E. H. (Ted) Stumbo
Mrs.MaryE.Burnete	William Maglinger	Egbert V. Taylor
Alex H. Calvert	Shelby McCallum	William F. Threlkeld
R. Josh Cosby	Russell L. Meadows	J. B. Veech
JamesA.Dressman,Jr.	Tom Mobley	Eulick (Mike) Walsh
Thomas R. Duncan	Fred H. Morgan	Wm. Thos. Wathen
Wm. P. Friedlander	Earl F. Murphy	W. W. Webster
George F. Harris	Ewin C. Neville	William B. Wells
John Head	Bart N. Peak	W.A.(Pete)Wickliffe
E. R. Hilton	Carl J. Ruh	Walker H. Wiseman
Chester J. Holsclaw		—43

Whereupon, the Speaker announced, "shall the Main Question be now put?"

Ordered that said bill be engrossed and read at length the third time.

Mr. Lowman moved that the Constitutional provisions as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in acordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

J. Everett Bach	Chester J. Holsclaw	Amos Runyon
Sidney Baer	Paul S. Jonas	Gus F. Sheehan, Jr.
John Rhea Banton	Jennings Kearby	Mrs. Thelma Stovall
Clarence J. Barnum	Mrs. J. T. Linton	E. H. (Ted) Stumbo
Ed. T. Breathitt	Harry K. Lowman	Egbert V. Taylor
Edward O. Bridgers	William Maglinger	Albert Thomason
Mrs.MaryE.Burnete	Shelby McCallum	William F. Threlkeld
Alex H. Calvert	Russell L. Meadows	Marion Vance
R. Josh Cosby	Tom Mobley	J. B. Veech
C. E. Dowell	Fred H. Morgan	Eulick (Mike) Walsh
JamesA.Dressman,Jr.	Earl F. Murphy	Wm. Thos. Wathen
Thomas R. Duncan	Thomas J. Murphy	W. W. Webster
William Engle	Ewin C. Neville	William B. Wells
Herbert Fern	Bart N. Peak	W.A.(Pete)Wickliffe
Wm. P. Friedlander	Carl J. Ruh	Walker H. Wiseman
George F. Harris		—46

Those who voted in the negative were—

Dr. John Adkins, Jr.	Leslie Gay	J. F. Robinson
Owen Billington	Chas. M. Greene	Joe Rouse
Wm. W. Blanton	Thomas D. Hewlett	Cecil Sanders
J. C. Bradley	Henry R. Heyburn	Clem Schroader
Thomas L. Britton	William M. Horn	Dr. B. F. Shields
Walter J. Chyle, Jr.	James W. Lambert	John A. Sloan
Lewis W. Combest	Paul M. Lewis	E. A. Spencer
Marvin A. Cornett	Walter R. Moorman	Hicks Wells
Charles M. Crowe	Louis T. Peniston	Charles W. Wirsch
Jack Early	Hobart Rayburn	Garrett L. Withers
		—30

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mrs. Stovall rose to a Point of Order.

Her point was that the adverse report of the Committee on

Education on H. B. No. 130, did not carry a majority of names of said committee.

Upon inspection of the report, the Speaker declared the Point of Order was well taken.

Ordered that said bill be re-referred to the Committee on Education.

Mr. Runyon moved that the House do now recess for 5 minutes for the purpose of a meeting of the Committee on Education to reconsider H. B. No. 130.

Said motion was disagreed to.

Mr. Lowman moved that the rules of the House be suspended for the purpose of introducing bills.

Said motion was agreed to.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Mr. Thomason, and Chyle.

H. B. No. 304. AN ACT relating to newspapers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No newspaper circulated in this state shall print therein any communication of the type "Letters to the Editor," "Point of View," etc., unless such communication was signed by the writer and his address stated, and unless such name and address is printed following the communication. No communication of the type in question shall be printed if there is any reason to doubt the correctness and truthfulness of the signature and address given.

Section 2. Any person responsible for the initial circulation in this state of any newspaper which violates section 1 of this Act shall be fined not less than one hundred dollars nor more than one thousand dollars and imprisoned for not less than six months, or both.

Said bill was ordered printed and referred.

By Mr. Breathitt, Lewis, Withers, Peak and Mrs. Burnett.

H. B. No. 305. AN ACT relating to employment in the service of the Commonwealth.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Agency" means a department, division, institution, or unit in the executive branch of the State Government operated directly by the Commonwealth.

(2) "Appointing officer" means the officer or employe or group of officers or employes authorized by law to make appointments.

(3) "Certification" means the certifying of the top three names from any register by the Commissioner on request of an appointing officer for selection to a position in the classified service.

(4) "Class" means a group of positions sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training, experience, or skill, and such other characteristics that the same title, the same tests of fitness, and the same schedule of compensation have been or may be applied to each position in the group.

(5) "Classified service" includes all the employment subject to the terms of this Act except for those positions expressly excluded in Section 15 of this Act; a "classified position" is a position in the classified service.

(6) "Board" means the Kentucky Personnel Board created by Section 2 of this Act.

(7) "Commissioner" means the Commissioner of Personnel to be appointed by the Kentucky Personnel Board pursuant to Section 4 of this Act.

(8) "Demotion" means a change in the rank of an employe from a position in one class to a position in another class having a lower minimum salary and less discretion or responsibility.

(9) "Department" means the Department of State Employment provided for in Section 2 of this Act.

(10) "Eligible" refers to a person who has made a passing score on any examination required under this Act and who has qualified to be placed on a register.

(11) "Emergency employe" means an employe appointed without regard to the examination requirements of this Act to a position created by reason of a governmental emergency and whose appointment is not to exceed ten days in duration and is nonrenewable.

(12) "Employe" means a person regularly appointed to a position in the state service for which he is compensated on a full-time or part-time basis.

(13) "Position" means an office or employment in an agency (whether part-time, full-time, temporary or permanent, occupied or vacant) involving specific duties.

(14) "Probation" means the period of service following appointment to any position under this Act which requires special observation and evaluation of an employe's work and which must be passed successfully before status may be conferred as provided in Section 8 of this Act. An employe serving the probationary period is known as a "probationary employe" and his appointment as a "probationary appointment."

(15) "Promotion" means a change of rank of an employe from a position of one class to a position of another having a higher minimum salary and carrying a greater scope of discretion or responsibility.

(16) "Provisional employe" means any employe appointed to a permanent position under this Act without examination, such appointment being conditioned by the absence of a register for the position involved and by the time limitations and prohibition on renewal as defined in Section 9 of this Act.

(17) "Reemployment list" means the separate list of names of persons reduced in force by reason of lack of appropriations, curtailment of program or abolition of organizational unit, and through no fault of their own, who have requested the opportunity for further consideration for state employment. Reemployment lists are used as provided in Section 7 of this Act.

(18) "Register" means any list of eligibles placed in rank order according to the examination scores, which shall be used for selection by promotion or original appointment to a position in the classified service.

(19) "Status" means the acquisition of tenure with all rights and privileges as appertaining thereunto after satisfactory completion of the probationary period by any employe in the classified service.

(20) "Temporary employe" means any employe appointed to a temporary position under this Act with or without examination, such appointment being conditioned by the time limitations and prohibitions on renewal as defined in Section 9 of this Act.

(21) "Transfer" means a movement of an employe from one position to another of the same grade having the same salary ranges and the same level of responsibility within the classified service.

Section 2. There is hereby created a Department of State Employment with a Personnel Board and a Commissioner of Personnel. The Board shall consist of five members. The Governor, after inviting the counsel of outstanding civic organizations in the Commonwealth, shall appoint members of the Board prior to July 1, 1952, and the Commissioner of Personnel shall serve ex-officio as secretary of the board but shall not be a member thereof. Appointments to the Board shall be made without regard to political considerations. Members of the board shall be citizens of Kentucky known to have an interest in the merit principle in government. No member of the board shall be a state employe or officer, or a member of any local, state, or national committee of a political party, or an officer or member of a committee in any partisan political club or organization, or shall be or have been a candidate for any elective office within

one year prior to appointment. Members of the board shall receive compensation of twenty-five dollars and reimbursement of travel expenses for each meeting of the board which they attend.

One of the members of the board appointed in 1952 shall be appointed for a term of one year; one for a term of two years; one for a term of three years; and two for a term of four years. Thereafter each member shall serve for a term of four years, except that a person appointed by the Governor to fill a vacancy occurring prior to the expiration of such term shall be appointed for the remainder of the unexpired term. Each member of the board shall hold office until his successor is appointed and qualifies.

Members of the board may be removed by the Governor only for cause after being given a copy of charges against them and an opportunity to be heard publicly on such charges before the Governor. A copy of the charges and the transcript of the record of the hearing shall be filed with the Secretary of State.

The board shall elect one of its members chairman, to serve for a term of one year. It shall meet at such time and place as shall be specified by call of the chairman or the commissioner. At least one meeting shall be held in each month. All meetings shall be open to the public. Notice of each meeting shall be given in writing to each member by the Commissioner of Personnel at least three days in advance of the meeting. Three members shall constitute a quorum for the transaction of business. The board shall keep records and minutes of its business and official actions, and such records and minutes shall be public records open to public inspection, subject to reasonable rules as to hours and conditions of inspection as the board may establish. The Division of Purchases and Public Properties shall upon written request of the board, assign suitable office space for executing the duties charged to it and to the commissioner.

Section 3. It shall be the duty of the board to:

(1) Adopt comprehensive rules consistent with the provisions of this Act, and with the standards defined pursuant to the Federal Social Security Act of 1935, as amended, for the

administration of a merit personnel system in the agencies of the state government subject to the terms of that Act:

(2) Establish general policies for personnel recruitment, for entrance examinations and promotion examinations, for improving the efficiency of employed personnel, and for the separation of employes from the agencies subject to the provisions of this Act;

(3) After making a thorough survey of personnel and departmental organizations and holding public hearings, present to the Governor for his approval such classification and compensation plans for the state service, together with rules for their administration as may be recommended by the Commissioner of Personnel, the board and the Commissioner of Finance.

(4) Make investigations, either on petition of a citizen, taxpayer, or interested party, or on its own motion, concerning the enforcement and effect of this Act, and to require observation of its provisions and the rules and regulations made pursuant thereto; and to make such investigation as may be requested by the General Assembly or the Governor and to report thereon;

(5) Hear appeals from applicants for positions for which examinations are being or have been conducted, from eligibles on examination registers, and from officers or employees serving under the personnel system created by this Act, as hereinafter provided, subject to the procedural rules which the board may adopt pursuant to the provisions of this section; and to appoint referees, if necessary, to conduct hearings for the board;

(6) Present to the Governor a budget for the support of the personnel system created by this Act;

(7) Promote public understanding of merit principles in government service;

(8) Make annual reports to the Governor and biennial reports to the General Assembly and to provide copies thereof to agencies and employes subject to the merit system;

(9) Supervise the commissioner, to advise him with respect to the administration of the personnel system created by this Act, and to review his activities;

(10) Consider and act on such matters as may be referred to the board by the commissioner; and

(11) Represent the public interest in the improvement of personnel administration in the state service, and to advise and assist the commissioner in fostering the interest of institutions of learning and of civic, professional, and employe organizations in the improvement of personnel standards in the state service.

Section 4. At its first meeting, and subsequently in the event of a prospective or actual vacancy in the position of Commissioner of Personnel and if there is no eligible list, the board shall appoint a committee of three persons publicly known to be sympathetic with the merit principle in government and skilled in personnel administration to conduct an examination for the position of Commissioner of Personnel pursuant to such specifications for the position as the board may prescribe. The examination shall be conducted as promptly as possible, and in any event within ninety (90) days after appointment of such committee. The Governor shall appoint as Commissioner of Personnel one of the three persons standing highest in the examination.

The commissioner shall be paid such salary as may be established pursuant to the provisions of KRS 64.640.

The commissioner shall be a member of the classified service. He shall be a person who shall have had extensive training and experience in merit personnel administration, shall have known sympathies with the merit principle in government service, and shall evidence such other qualifications as in the opinion of the board are essential to the performance of the duties of the position. He may be removed for cause by the Governor, but he shall have the same statutory rights to notice of the reasons for such removal and appeal to the board as do all other classified state employes.

Section 5. The commissioner shall be the executive and administrative head of the department and shall supervise and control all examinations and the work of the department. He shall act as the board's adviser on all matters pertaining to the personnel system of this state. Within the limitations of the budget the commissioner shall appoint and supervise such staff

as may be needed in the department to carry out the purposes of this Act, but such staff shall be appointed and serve under the provisions relating to the classified service of this state. It shall be the duty of the commissioner, with the aid of his staff, to:

(1) Attend all meetings of the board;

(2) Prepare and recommend to the board rules and regulations for the purpose of carrying out the provisions of this Act. Such rules shall provide, among other things, for current records of efficiency and standards of performance for all officers and employes subject to the provisions of this Act; the manner of completing appointments and promotions; rejection of ineligible candidates; competitive examinations; creation of eligible lists with successful candidates ranked according to their ratings in the examinations; leaves of absence with and without pay; transfer; reinstatements, layoffs, vacations, and hours of work; public notice of examinations; procedures for changes in rates of pay; compulsory retirement at fixed ages; and other conditions of employment;

(3) Appoint temporary and permanent examiners;

(4) Prepare and maintain a roster of all employes showing for each employe his name, post office address, title of position held, rate of compensation, changes in status, compensation, or title, transfer, sick leaves, vacations, and other pertinent facts;

(5) Prepare, in accordance with the provisions of this Act and the rules adopted thereunder, examinations, eligible lists, and ratings of candidates for appointment;

(6) Make certification for appointment within the classified service, in accordance with the provisions of this Act;

(7) Make investigations concerning all matters touching the enforcement and effect of the provisions of this Act and the rules and regulations prescribed thereunder;

(8) Foster and develop, in cooperation with appointing authorities and others, programs for the improvement of employe effectiveness, including training, safety, health, counseling, and welfare;

(9) Make a report and submit the same to the board not later than October 1 of each year; and

(10) Discharge such other duties as are imposed upon him by this Act. The commissioner on behalf of the department may join or subscribe to any association or service having as its purpose the interchange of information relating to the improvement of personnel administration.

Section 6. The commissioner shall from time to time conduct tests to establish registers for the various classes of positions in the classified service as provided in this Act. Tests for entrance into such positions shall be competitive and shall relate to those matters which will fairly test the capacity and fitness of the persons examined to discharge efficiently the duties of the office or employment sought by them. The competitive examinations shall, after published notice, be open to all applicants who are citizens of the United States and who meet reasonable standards or requirements approved by the commissioner with regard to experience, character, age, education, physical condition, and such other factors as may be held to relate to the ability of the candidates to perform with reasonable efficiency the duties of the position. No standards or requirements shall be fixed with reference to education or physical condition except such as relate directly to the duties of the office or employment to be filled.

All entrance examinations shall include a written test as an integral part of the examination, except for those licensed professional positions for which a written test is deemed impracticable by the board. Written examinations may be supplemented by oral or physical tests, ratings of experience and education, demonstration of skill, or by a combination of such supplementary tests.

In preparing eligible registers based on entrance examinations for the various classes of positions the commissioner shall arrange the names of those who have passed in the order of their scores on the composite tests. Every veteran, not dishonorably discharged who has passed the composite examination and who served in the armed forces of the United States during any period in which the nation was engaged in actual hostilities

while a state of war existed between the United States and a foreign power shall have 1) five percentage points added to his score on the written examination, and 2) if he has by such service sustained at least a ten percent disability recognized by the Veterans Administration of the United States, five additional —a total of ten percentage points so added. The commissioner shall have authority to establish separate registers applicable to various localities. The term of eligibility for all registers shall be one year but the term of any list may be extended by the commissioner. In no case, however, may eligibility be extended for a period of more than one additional year.

Promotions shall be based upon merit and fitness to be ascertained by examinations in which the employe's efficiency, character, conduct, and experience shall all constitute factors.

Section 7. Appointing officers shall give written notice to the commissioner of intention to establish new positions and of the existence of any vacancy to be filled in any office or employment in the classified service, and within a reasonable time after the receipt of such notice the commissioner shall certify from the registers appropriate for the grade or class for which the position is classified the three names at the head thereof. Appointing officers shall be limited in their choices in making probationary appointments to the names so certified. The commissioner shall use the registers available for certification in the following order: (1) promotional registers, (2) reemployment lists, and (3) registers of eligibles for original appointment. If more than one appointment is to be made to the same class of position at approximately the same time by the same appointing officer, the requests for a certificate of names shall be consolidated by the commissioner, and the number of names certified shall be five times the number of vacancies divided by three. No discrimination as to sex shall be made when a certificate is requested unless the stipulation shall be reasonably related to the duties of the position or environmental factors. Any name which has been passed over three times by the same appointing officer in his choice among the three highest eligibles shall not again be certified to that same appointing officer, but shall remain on the register during the life of such register, for certification to other appointing officers. Names of persons who have

been certified for appointment three times and who have expressed unwillingness to accept appointment each time certified may, in the discretion of the commissioner, be removed from the list.

Section 8. Every person appointed to a position in the classified service, after certification of his name from any register, shall undergo a working test or probation while occupying such position. The probationary period shall commence immediately upon appointment and shall continue for not less than three nor more than twelve months. The commissioner, on recommendation of the appointing authority, shall fix the length of the probationary period for each class of position in each department; and in such manner as the commissioner may require, the appointing authority shall report to the commissioner his observation of the employe's work and his judgment of the employe's willingness and ability to perform his duties satisfactorily and as to his habits and dependability. At any time during the probationary period the appointing authority may remove the probationary employe, if, in the opinion of the appointing authority, the working test indicates that such employe is unable or unwilling to perform his duties satisfactorily or that his habits and dependability do not merit his continuance in the service. Upon such removal, the appointing authority shall forthwith report to the commissioner and to the employe removed, his action and the reason therefor. No more than three employes shall be removed successively from the same position during their probationary periods without the approval of the commissioner. The commissioner may remove an employe during his probationary period if he finds, after giving him notice and an opportunity to be heard, that such employe was appointed as a result of fraud or error. Ten days prior to the expiration of an employe's probationary period, the appointing authority shall notify the commissioner in writing, with a copy to the employe, whether the services of the employe have been satisfactory and whether he recommends that the employe continue in his position. Persons so continued shall have the status of permanent employes. Persons not recommended for status shall be dismissed. No employe shall be paid for work performed after the expiration of his probationary period unless,

prior to the performance of such work, the appointing authority has notified the commissioner that the employe will be continued in his position. If any employe is removed from his position during or at the end of his probationary period, and the commissioner determines that he is suitable for appointment to another position, his name may be restored to the list from which it was certified. If any such employe was a regular employe in another position in the classified service immediately prior to his appointment, his name shall be placed on a reemployment list for the class of position in which he was a regular employe.

Section 9. Positions in the classified service may be filled without competition only as follows:

(1) Whenever it is impossible for the commissioner to certify any eligible person for appointment to a vacancy in the classified service, the appointing authority may nominate a person to the commissioner. If such nominee is found by the commissioner to have had experience and training which appear to qualify him for the position, the commissioner may authorize the appointment of such person to such vacancy only until an appropriate eligible register can be established and appointments made therefrom. In no event shall a provisional appointment be continued for more than three months. No successive provisional appointments of the same person to the same class of position shall be made. Service as a provisional employe shall not be counted as a part of the required probationary service in case of subsequent appointment to a classified service position.

(2) Whenever services are required in a temporary position and for a temporary period not to exceed three months, and the need for such service is important and urgent, the appointing authority may nominate to the commissioner from a register requested of the commissioner any person, regardless of that person's standing on the register. Successive temporary appointments to the same position or of the same candidate shall not be made under this provision. The acceptance or refusal by an eligible of such temporary appointment shall not affect his standing on the register for regular appointment, nor shall a period of temporary service be counted as part of the probationary service in case of subsequent appointment to a position in the classified

service. In the event that there is no proper register of eligibles, the appointing authority may nominate a suitable person to the commissioner for the temporary position, and the commissioner shall authorize appointment of such person to the temporary position.

(3) When an emergency makes it impossible to fill a position under any other provision of this Act, an appointing officer may appoint any qualified person to such a position to prevent stoppage of public business or loss or serious inconvenience to the public. Any such appointment shall be only for the duration of the emergency and for a period not exceeding ten days. A vacancy of which the appointing authority has had reasonable notice or might with due diligence have had previous knowledge shall not be considered an emergency under this section. The appointing authority shall forthwith report each emergency appointment to the commissioner. No such appointment shall be renewed.

Section 10. Employes holding positions previously deemed of a merit system character under state or Federal statutory requirements in the classified service created herein, for one year or more immediately prior to the date on which this law takes effect, shall be continued with tenure status in their respective positions without further examination, until separated from their positions as provided by law. Those holding merit system positions less than one year or positions not under merit system procedures prior to the adoption of this law but herein covered shall also acquire tenure status in their respective positions provided that within one year after this law takes affect they pass a qualifying test prescribed by the commissioner. Those who shall have failed to qualify as provided herein may be continued in their positions at the option of their respective department heads, but they shall not acquire tenure status. These provisions as to acquisition of status shall apply to all employes brought under the scope of this Act in the future by executive order of the Governor. Nothing herein shall preclude the reclassification or reallocation as provided by this Act of any position held by any such incumbent.

Section 11. The commissioner of Finance shall not make nor approve nor take any part in making or approving any pay-

ment for personal service to any person holding a position in the state classified service unless the payroll voucher or account of such payment bears the certification of the Commissioner of Personnel, or of his authorized agent, that the person named therein have been appointed and employed in accordance with provisions of this Act and the rules, regulations, and orders thereunder. The Commissioner of Personnel may, for proper cause, withhold certification from an entire payroll or from any specific item or items thereon.

Any citizen may maintain a suit to restrain the commissioner of Finance from making any payment in contravention of any provision of this Act, rule or order thereunder. Any sum paid contrary to any provision of this Act, rule or order thereunder may be recovered in an action maintained in the Franklin County circuit court by any citizen, from any officer who made, approved or authorized such payment or who signed or countersigned a voucher, payroll, check or warrant for such payment, or from the sureties on the official bond of any such officer. All monies recovered in any such action shall be paid into the general fund.

Any person appointed or employed in contravention of this Act or of any rule, regulation or order thereunder who performs service for which he is not paid may maintain an action in the Franklin County Circuit Court against the officer or officers who purported to appoint or employ him to recover the agreed pay for such services, or the reasonable value thereof if no pay was agreed upon. No officer shall be reimbursed by the Commonwealth at any time for any sum paid to such person on account of such services.

If the Commissioner of Personnel wrongfully withholds certification of the payroll voucher or account of any employe, such employe may maintain a proceeding in the Franklin County circuit court to compel the commissioner to certify such payroll voucher or account.

Section 12. Transfer in the classified service may be made from a position in one grade and class to a position in another grade and class when the duties, qualifications, and compensation are similar and when such action is specifically approved by the commissioner and by both appointing authorities concerned.

In every case involving transfer, the appointing authority shall submit a written request to the commissioner. An appointing officer may at any time with approval of the commissioner reassign an employe from one position to another position in the same class or rank. With the approval of the commissioner a temporary reassignment may be made to a newly created position in the same agency, but such reassignment shall not involve change of compensation or loss of seniority for the employe reassigned.

Section 13. In cooperation with appointing authorities, the commissioner shall establish, and may from time to time amend, standards of performance and output of employes in each class of positions in the classified service or for groups of classes, and a system of service ratings based upon such standards. In such manner and with such weight as shall be provided in the rules, service ratings shall be considered in determining salary increases and decreases within the limits established by law and by the pay plan; as a factor in promotion tests; as a factor in determining the order of lay-off when forces must be reduced because of lack of funds or work; and the order in which names are to be placed on reemployment lists; and shall be used as a means of discovering employes who should be promoted, demoted, transferred, or dismissed. In such manner and at such time as the rules may require, each appointing authority shall report to the commissioner the service ratings of employes in his division or such information as the commissioner may request as a basis for determining such service ratings. Any employe shall be given reasonable opportunity to inspect the records of the department which show his service ratings and the service ratings of other employes in the same class and division.

Section 14. Any classified employe who is dismissed or demoted after completing his probationary period of service, or who is suspended for more than thirty days in any one year, may, within thirty days after such dismissal, demotion, or suspension, appeal to the board for review thereof. Upon such review, both the appealing employe and the appointing authority whose action is reviewed shall have the right to be heard and to present evidentiary facts, such hearing to be public if so requested by

the appealing employe. At the hearing of such appeals, technical rules of evidence shall not apply.

If the board finds that the action complained of was taken by the appointing authority for any political, religious or racial reason, the employe shall be reinstated to his former position or a position of like status and pay, without loss of pay for the period of his suspension, demotion, or dismissal. In all other cases, the findings and recommendations of the board shall be submitted to and considered by the appointing authority, who may, not later than thirty days after receipt of such findings and recommendations, reinstate the employe with or without pay for the period of demotion, suspension, or dismissal, or otherwise modify his original decision of suspension, demotion or dismissal. When any employe is dismissed and not reinstated, after such appeal, the board in its discretion may direct that his name be placed at the head of an appropriate reemployment list, which direction shall be enforced by the commissioner. Any decision or action taken or made hereunder shall be final and not subject to judicial review, except as judicial review is already granted to any state employe by the statutes of the Commonwealth passed prior to the passage of this Act. The board shall make its findings and recommendations public in appeals cases.

Section 15. (1) The provisions of this Act shall apply only to those classes of positions in the state service in which continuity of service is essential to the most efficient administration of the state government. Specifically exempted from the classified service are all officers elected by popular vote, department heads, policymaking officers, judicial officers and their employes, sessional employes, of the legislative branch, employes compensated on the basis of an hourly, daily or weekly wage rather than a monthly or annual salary, part-time, seasonal, and temporary employes, employes in the Governor's office, employes of the State University and State Colleges, and all persons covered by the Kentucky Teachers' Retirement Act (KRS 161.220 to 161.710).

(2) All salaried positions as of July 1, 1952, in the Welfare Department below the Commissioner and Deputy Commissioner of this Department, except for one private secretary to each of

these officers, and not involving seasonal, temporary, or part-time work in this department are hereby declared to be in the classified service. Subject to the restrictions of subsection (1) of this section, any other agency or class or classes of positions or organizational unit within any other agency of the state government may be brought within (but not removed from) the purview of the provisions of this Act by an executive order of the Governor.

Section 16. The commissioner shall, as soon as practicable, and after consultation with appointing authorities and principal supervisory officials, classify all offices, employments, and positions in the state service according to the duties and responsibilities of each position in accordance with the appropriate lines of promotion. This duty to classify shall extend to all positions held by persons who may become members of the classified service under this Act, as provided by Section 5, as well as to those positions held by other persons in the state service. Titles shall be established for each class of employment for use in examining and certifying names of persons for appointment under this Act, and a description of the duties and responsibilities exercised by the persons appointed to each of them shall be drawn up, minimum qualifications required for satisfactory performance of the duties of each grade and class formulated, and so far as practicable, the lines of promotion from grade to grade or class to class shall be indicated. The titles in this classification as defined by the specifications of duties and qualifications shall be used for (a) original appointments; (b) promotions; (c) payrolls; (d) and all other records affecting the status of personnel. The classification of positions, when approved by the board after public hearing, shall take effect immediately, shall be sent to the Commissioner of Finance, and shall be used by him in the preparation of the next following and subsequent state budgets. The Commissioner of Personnel may make changes in the classification plan whenever he deems it necessary for the efficiency of the service, and such changes, when approved by the board, after hearing, shall take effect immediately, shall be sent to the Commissioner of Finance and shall be used by him in the preparation of the next following and subsequent state budgets.

The commissioner shall, as soon as practicable after the

adoption of the classification plan, prepare a schedule of compensation for each class, grade or group or position in such plan. Such schedule shall conform and be subject to the provisions of KRS 64.640.

The appointing authority shall allocate, subject to the approval of the commissioner, each officer, position or employment in the state service to one of the grades and classes within the classification, subject to an appeal to the board by an employe immediately affected at any time within thirty days following notice to him of the allocation of his position, and thereafter all salary rates, schedules of compensation, and wage policies shall apply uniformly to all positions within each grade, in accordance with rules and regulations established by the board.

The classification plan and salary or wage schedules applying thereto existing at the time this Act becomes effective shall continue in effect until changed in accordance with the provisions of this Act.

Section 17. In accordance with the rules an appointing authority may lay off an employe in the classified service whenever he deems it necessary by reason of shortage of work or funds, or the abolition of a position or other material change in duties or organization. The experience and service ratings of employes shall be considered, in such manner as the rules shall provide, among the factors in determining the order of lay-offs. The appointing authority shall give written notice to the Commissioner of Personnel of every proposed lay-off a reasonable time before the effective date thereof, and the commissioner shall make such orders relating thereto as he considers necessary to secure compliance with the rules. The names of every regular classified employe so laid off shall be placed on the appropriate reemployment list, and he shall be notified by the commissioner of his placement on such list.

Section 18. No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified service because of his political or religious opinions or affiliations.

No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.

No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration.

No employe in the classified service, and no member of the board shall, directly or indirectly, pay or promise to pay any assessment, subscription, or levy for any political organization or purpose, or solicit or take any part in soliciting any such assessment, subscription, or levy of any employe in the classified service.

No employe in the classified service shall be a member of any national, state, or local committee of a political party, or an officer of a partisan political club, or a candidate for nomination or election to any public office, nor shall he take any part in the management of any political party or of any political campaign except to exercise his right as a citizen privately to express his opinion and to cast his vote.

Any officer or employe in the state service who violates any of the foregoing provisions of this section shall forfeit his office or position, and for one year shall be ineligible for any office or position in the state service.

Section 19. No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification, or appointment made under any provision of this law or in any manner commit or attempt to commit any fraud preventing the impartial execution of this law and the rules.

No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept money, service or other valuable consideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the classified service.

No employe of the Department, examiner, or other person shall defeat, deceive or obstruct any person in his right to examination, eligibility, certification or appointment under this Act, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.

Section 20. The board, each member of the board, and the commissioner shall have power to administer oaths, subpoena witnesses and compel the production of books and papers pertinent to any investigation or hearing authorized by this Act. Any person who shall fail to appear in response to a subpoena or to answer any question or produce any books or papers pertinent to any such investigation or hearing or who shall knowingly give false testimony therein shall be guilty of a misdemeanor. The fees for witnesses for attendance and travel shall be the same as fees of witnesses before the courts of record and shall be paid from the appropriation for the expenses of the board.

Section 21. The records of the department, except such records as the rules may require to be held confidential by reason of public policy, shall be public records and shall be open to public inspection, subject to regulations as to the time and manner of inspection which may be prescribed by the commissioner.

Section 22. Any person who willfully violates any provision of this Act or of the rules shall be guilty of a misdemeanor, and shall upon conviction be punished therefor by a fine not in excess of one hundred dollars.

Any person who is convicted of a misdemeanor under this Act shall, for a period of five years, be ineligible for appointment in the state service, and if he is an officer or employe of the state, shall forfeit his office or position.

Section 23. Funds appropriated to the Department of Finance by the General Assembly for the fiscal year 1952-53 and the fiscal year 1953-54 for the administration of the Division of Personnel shall be available for the administration of this Act. Funds appropriated by the General Assembly for the 1952-53 and 1953-54 fiscal years to any state department for the administration of a separate merit system are to be transferred to

the Department of State Employment for use in the administration of this Act upon transfer of any such separate merit system to the department by executive order of the Governor. From and after July 1, 1952, all agencies of the state government with employes covered within the merit personnel system herein established shall contribute pro rata shares of the cost of the administration of this Act. Regulations for the transfer of such funds shall be made by the Commissioner of Finance, with the approval of the Governor.

It is the policy of the General Assembly that the personnel system created by this Act shall be financed in reasonable part by means of Federal appropriations, as has been the case heretofore in the case of the public assistance, child welfare, health, unemployment insurance, and employment service programs, and that other agencies shall also contribute rateably to the cost of maintaining adequate general personnel service.

Section 24. Such provisions of KRS 42.110 to 42.190 as are inconsistent with the provisions of this Act are superseded by this Act as to the employes covered by this Act. The Commissioner of Personnel shall administer the provisions of KRS 42.110 to 42.190, however, for all employes remaining outside the scope of this Act, and the Division of Personnel Efficiency and position of Director of Personnel in the Department of Finance are hereby abolished as of the date a Commissioner of Personnel is appointed under the provisions of this Act and all records are to be transferred from the superseded Division to the new Department.

Section 25. This Act is to take effect July 1, 1952.

Said bill was ordered printed and referred.

By Mr. Sanders.

H. B. No. 306. AN ACT concerning distribution of personal property of persons who die intestate.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 391.030 of the Kentucky Revised Statutes is amended to read as follows:

(2) The appraisers shall state in their appraisement the money or the articles and values of each, set apart by them to the widow or infants, separately from the articles appraised for sale. If the widow or anyone authorized by her in writing is present at the time of the appraisement, she may make her selection out of the property appraised to the amount of $1500 and the appraisers shall so report.

Said bill was ordered printed and referred.

By Mr. Holsclaw.

H. B. No. 307. AN ACT relating to persons in connection with the taking, recording and transcribing of evidence or judicial proceedings in counties of 150,000 or more, including but not limited to provisions concerning the compensation and fees of such persons and amending and re-enacting KRS 28.440.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 28.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) In counties having a population of 150,000 or more, the reporters of the criminal branch divisions of the circuit court shall continue to receive the salaries now fixed by law; provided, however, that such salaries may be increased or decreased to the amount fixed by the presiding judges of said divisions by written recommendation to the Fiscal Court of the County, which recommendation shall become effective upon its approval by resolution of the Fiscal Court, but they shall receive no other compensation from the County or State for their services as reporters in said divisions. They shall receive thirty cents per hundred words for making a transcript for a person other than the County or State. If it appears that a defendent, wishing to appeal, is unable to pay for a transcript, the Court mav direct the reporter to make a transcript for the defendant, and the fee may be recovered at any future time from the defendant.

(2) In counties having a population of 150,000 or more, the fees of reporters serving in civil cases in any division of the

circuit court shall be fixed by the presiding judge thereof at not more than ten dollars per day for taking stenographic reports, and thirty cents per hundred words for the transcript thereof, which shall be paid forthwith by the party in whose behalf the report or transcript is ordered, and shall be taxed as part of the costs of the action. The reporter shall not be required to file any transcript without payment therefor by the party in whose behalf it is ordered, unless the presiding judge of the division directs him to file a transcript upon the motion of a party suing in forma pauperis.

(a) Reporters of the common pleas branch of the court shall continue to be paid the salaries now provided by law in addition to the fees above prescribed; provided, however, that such salaries may be increased or decreased to the amount fixed by a majority of the members of the General Term of the circuit court by written recommendation to the Fiscal Court of the county, which recommendation shall become effective upon its approval by resolution of the Fiscal Court.

(b) Reporters of the Chancery Branch of the court shall be paid salaries in addition to the fees above prescribed, such salaries to be fixed by a majority of the members of the General Term of the circuit court by written recommendation to the Fiscal Court of the county, which recommendation shall become effective upon its approval by resolution of the Fiscal Court; provided, however, that such salaries may be increased or decreased in the same manner as provided for reporters of the common pleas branch of the court.

(3) For duplicate copies of transcripts, reporters in counties having a population of 150,000 or more shall be allowed one-half the amount they are allowed for the original, to be paid for in the same manner as the original.

Said bill was ordered printed and referred.

By Mr. Friedlander.

H. B. No. 308. AN ACT changing the classification of the City of Shively, in Jefferson County, Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Shively, in Jefferson County, Kentucky, is transferred and changed from the fifth class to the fourth class of cities, and is hereby assigned to the cities of the fourth class.

Said bill was ordered printed and referred.

By Mr. Threlkeld.

H. B. No. 309. AN ACT relating to the registration fees for motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 186.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The annual registration fee for motor vehicles primarily designed for carrying passengers and having provisions for not more than nine passengers, including the operator, shall be $4.50.

(2) The annual registration fee for each motorcycle shall be $2.00, and for each sidecar attachment, $1.00.

(3) All motor vehicles except those mentioned in subsections (1) and (2), and those engaged in hauling passengers for hire operating under certificates of convenience and necessity, are classified as trucks or busses, and the annual registration fee, except as provided in subsections (4) through (8), shall be as follows:

Gross Weight	Registration Fee
0-5000	$ 10.00
5001-8000	22.00
8001-10000	25.00
10001-12000	29.00
12001-14000	32.00
14001-16000	36.00

16001-18000	40.00
18001-21000	45.00
21001-24000	50.00
24001-27000	59.00
27001-30000	71.00
30001-33000	85.00
33001-36000	101.00
36001-39000	123.00
39001-42000	150.00

The registration fee shall be increased fifty percent on any motor vehicle not equipped wholly with pneumatic tires.

(4) Any farmer owning a truck having a gross weight of 22,000 pounds or less may have it registered as a farmer's truck and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit, stating that he is a farmer engaged solely in the production of crops, livestock or dairy products, that he owns a truck of the gross weight of 22,000 pounds or less, that he has caused to be printed upon each side of the bed of the truck the words "Farmer's Truck" in conspicuous letters not less than three inches in height, and that during the next twelve months the truck will be used only in transporting persons, food, provender, feed and machinery used in operating his farm and the products grown on his farm.

(5) Any person owning a truck or bus used solely in transporting school children and school employes may have the truck or bus registered as a school bus and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affdavit stating that the truck or bus is used solely in the transportation of school children and persons employed in the schools of the district, that he has caused to be printed on each side of the bed of the truck or bus and on the rear door or part of the bed the words "School Bus" in letters at least six inches high and of a conspicuous color and that the truck or bus will be used during the next twelve months only for the purpose stated.

(6) Any church or religious organization owning a truck or bus used solely in transporting persons to and from a place of worship or for other religious work may have the truck or bus registered as a church bus and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus will be used only for the transporting of persons to and from a place of worship, or for other religious work, and that there has been printed on the truck or bus in large letters the words "Church Bus," with the name of the church or religious organization owning and using the truck or bus, and that during the next twelve months the truck or bus will be used only for the purpose stated.

(7) Any person owning a truck on which an outfit for drilling water wells has been mounted and bolted to the chassis may register the truck and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit that an outfit for the drilling of water wells has been mounted on and bolted to the chassis of the truck and that during the next twelve months the truck will be used only for the transportation of the well drilling outfit.

(8) Any person owning a motor vehicle on which a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted may register the vehicle and obtain a license for $9.50 by filing with the county clerk, in addition to other information required, an affidavit that a wrecking crane and other equipment suitable for an automobile service has been permanently mounted on such vehicle and that during the next twelve months the vehicle will be used only in automobile wrecker service.

(9) Any person owning a motor vehicle used solely for the purpose of transporting bull-dozers, bog harrows and other similar terracing equipment may register the vehicle and obtain a license for $9.50 by filing with the county clerk, in addition to other information required, an affidavit that during the next twelve months the vehicle will be used only for the purpose of transporting bulldozers, bog harrows and other similar terracing equipment.

Said bill was ordered printed and referred.

By Mrs. Stovall.

H. B. No. 310. AN ACT relating to the compensation of jurors amending subsection (1) of Section 29.390 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of section 29.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) Grand jurors and petit jurors in circuit court shall each be paid seven dollars per day for jury service. Persons whose names are on the jury list for jury service in circuit court, or are summoned under KRS 29.280 to supply a deficiency, who appear in person in court in response to summons, who reside outside the corporate limits of the city in which the court sits, and who do not claim exemption or ask to be relieved from jury service, shall receive seven dollars per day for each day they are required to be and are in attendance, even though they are not sworn or accepted for jury service.

Said bill was ordered printed and referred.

REFERRAL OF BILLS

Senate Bill 80. Kentucky Statutes No. 2

63. Kentucky Statutes No. 2

84. Kentucky Statutes No. 2

House Bill 253. Education

254. Charitable & Penal Institutions

255. Roads and Highways

256. Kentucky Statutes No. 1

257. Courts & Legal Procedures

258. Kentucky Statutes No. 2

259. Motor Transportation

260. Kentucky Statutes No. 2
261. Ways & Means
262. Cities of the First Class
263. Game and Fish
264. Constitutional Amendments
265. Cities of the First Class
266. Kentucky Statutes No. 2
267. Ways & Means
268. Courts & Legal Procedures
269. Cities of the Second Class
270. Ways & Means
271. Kentucky Statutes No. 2
272. Kentucky Statutes No. 2
273. Kentucky Statutes No. 2
274. Kentucky Statutes No. 2
275. Kentucky Statutes No. 2
276. Kentucky Statutes No. 2
277. Kentucky Statutes No. 2
278. Kentucky Statutes No. 2
279. Kentucky Statutes No. 2
280. Kentucky Statutes No. 2
281. Kentucky Statutes No. 2
282. Cities of the First Class
283. State Fair
284. Fish & Game
285. Motor Transportation
286. Agriculture

287. Ways & Means

288. Kentucky Statutes No. 2

289. Kentucky Statutes No. 2

Mr. Lowman moved that the House do now adjourn until 1:00 o'clock p.m., Wednesday, February 13, 1952.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, FEBRUARY 13, 1952

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House opened with prayer by the Reverend E. W. Baxter, Pstor of the Episcopal Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bill Adams	C. E. Dowell	E. R. Hilton
Dr. John Adkins, Jr.	JamesA.Dressman,Jr.	Ray Holbrook
Henry Arrowood	Thomas R. Duncan	Chester J. Holsclaw
J. Everett Bach	R. L. Dunigan	William M. Horn
Sidney Baer	Jack Early	Paul S. Jonas
John Rhea Banton	Harold Edwards	William L. Jones
Clarence J. Barnum	William Engle	Jennings Kearby
Owen Billington	Roscoe Estep	James W. Lambert
Wm. W. Blanton	Herbert Fern	Jesse H. Lawrence
R. O. Blevins	Wm. P. Friedlander	Paul M. Lewis
J. C. Bradley	Leslie Gay	Mrs. J. T. Linton
Edward O. Bridgers	Chas. M. Greene	Harry K. Lowman
Thomas L. Britton	Henry C. Hale	William Maglinger
Mrs.MaryE.Burnete	Eugene B. Hancock	Shelby McCallum
Alex H. Calvert	George F. Harris	G. Lee McClain
Walter J. Chyle, Jr.	John Head	Russell L. Meadows
Lewis W. Combest	Farmer Helton	Tom Mobley
Marvin A. Cornett	William K. Henry	Robert H. Moore
R. Josh Cosby	Thomas D. Hewlett	Walter R. Moorman
Charles M. Crowe	Henry R. Heyburn	Fred H. Morgan

Earl F. Murphy	Cecil Sanders	Eulick (Mike) Walsh
Thomas J. Murphy	Clem Schroader	Wm. Thos. Wathen
Ewin C. Neville	Gus F. Sheehan, Jr.	L. M. Weathers
Bart N. Peak	Dr. B. F. Shields	W. W. Webster
Louis T. Peniston	John A. Sloan	Hicks Wells
Hobart Rayburn	E. A. Spencer	W.A.(Pete)Wickliffe
Tipton Reed	Mrs. Thelma Stovall	Charles W. Wirsch
J. F. Robinson	E. H. (Ted) Stumbo	Walker H. Wiseman
Earl Rogers	Egbert V. Taylor	Garrett L. Withers
Joe Rouse	Albert Thomason	Charles W. Burnley,
Carl J. Ruh	William F. Threlkeld	Speaker
Amos Runyon		93

Mr. Baer moved that the absentees be granted a leave of absence.

Said motion was agreed to.

The absentees were as follows, viz: Ed T. Breathitt, J. C. Denney, Jr., Henry J. Giles, Marion Vance, J. Be. Veech, Morris Weintraub and Wm. B. Wells.

Mr. Barnum moved that the reading of the Journal of the proceedings of Friday, February 8, 1952, be dispensed with, and the same be approved.

Said motion was agreed to.

SENATE MESSAGE

A message was received from the Senate announcing that they had concurred in and passed resolutions originating in the House, as follows, viz:

H. Res. 13. A JOINT RESOLUTION appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the Senate, and appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the House.

Said resolution was ordered delivered to the Enrolling Clerk.

H. Res. No. 14. A JOINT RESOLUTION providing for

the purchase and distribution of "The Legislative Digest," and declaring an emergency.

Said resolution was ordered delivered to the Enrolling Clerk.

Mr. Holbrook moved that H. B. No. 154 be made a Special Order of business for Thursday, February 14, 1952 at 1:30 o'clock p.m.

Said motion was agreed to.

Mr. Ruh moved that Robert N. Combs of Ludlow, Kentucky, 515 Oak Street, be made an Honorary Page of the General Assembly for the 1952 Session.

Said motion was agreed to.

REPORT OF ENROLLMENT COMMITTEE

Mr. Henry on the Committee on Enrollment to which the same had been referred, reported that they had examined and found to be correctly enrolled, bills of the following title, viz:

H. B. No. 22. AN ACT relating to the revocation or suspension of alcoholic beverage licenses; amending Section 243.500 of the Kentucky Revised Statutes.

H. B. No. 115. AN ACT permitting the creation of a County Police Force Merit System, providing for the establishment of a Merit Board and defining its powers and duties, and providing for the classification, qualifications, examination, appointment, tenure, promotion, demotion, fine, suspension, discipline, immunities and removal of police personnel, prohibiting certain defined political activities, providing penalties therefor and repealing laws in conflict.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the Enrolling Clerk of this House deliver said bill to the Senate.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and a resolution of the following titles were introduced, viz:

By Mr. Ruh.

H. B. No. 311. AN ACT, making provisions for the acquisition and installation of an electrical roll call system and appurtenances thereto in the House Chamber, providing for a Committee to contract for the purchase and installation thereof, and making an appropriation therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. The Speaker or Speaker Pro Tem of the House of Representatives shall appoint three members of the House, who together with the Clerk of the House as ex-officio member, shall constitute a Committee, with authority to contract for the purchase and installation of an electrical roll call system in the House of Representatives.

2. The Committee is authorized to advertise for bids for the purchase and installation of said system, to receive such bids, and to award the contract to the lowest and best bidder. In determining which is the lowest and best bidder, the Committee shall take into consideration how many successful systems the bidders have installed and how long they have been in use, as well as the financial responsibility of the bidders and their plant facilities, and the comparative merits of their products. The Committee shall require the successful bidder to execute a bond for the faithful performance of the contract, including a guarantee for two years against faulty workmanship and materials, in penal sum equal to the contract price of the system, and by a solvent surety company authorized to do business in Kentucky, or such equivalent bonds as the Committee may in its judgment see fit to demand.

3. The Committee shall proceed promptly in the discharge of the duties imposed upon it by this Act, in order that the in-

stallation may be completed and available for use by the next regular Session in January 1954.

4. For the purpose of carrying out this Act, there is hereby appropriated to the Committee created by this Act, out of the general Expenditure Fund in the State Treasury, of the effective date of this Act, the sum of Sixty Thousand Five Hundred Dollars ($60,500.00). Of this sum Five Hundred Dolalrs ($500.00) shall be available for the use of the Committee in calling for bids and awarding the contract.

Said bill was ordered printed and referred.

By Mr. Calvert.

H. B. No. 312. AN ACT relating to traffic regulations and equipment of vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1.

(1) The Commissioner of Highways may restrict or regulate traffic and may install and maintain traffic control devices upon State-maintained highways in such manner as is reasonably necessary to promote the safety and convenience of the traveling public; provided, however, that this Section shall in no way affect the provisions of Section 177.046 of the Kentucky Revised Statutes.

(2) The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto unless otherwise directed by traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle.

(3) Any person who violates Sub-section 2 of this Section shall be fined not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00) for each offense.

Section 2. Section 189.340 of the Kentucky Revised Statutes is amended to read as follows:

(1) Vehicles overtaking other vehicles proceeding in the same direction shall pass to the left of them and shall not again drive to the right until reasonably clear of those vehicles. The person operating or in charge of the overtaking vehicle shall sound hs horn or other sound device before passing. Vehicles overtaking street cars may pass either to the right or left when so directed by a police officer, when on a one-way street or where the location of the tracks prevents compliance with this Section, with regard for other traffic.

(2) The operator of a vehicle may overtake and pass upon the right of another vehicle which is making or is about to make a left turn. The operator of a vehicle may overtake, and, allowing sufficient clearance, pass another vehicle proceeding in the same direction upon the left or upon the right on a roadway with unobstructed pavement or sufficient width for four or more lines of traffic when the movement can be made in safety. No person shall drive off the pavement or upon the shoulder of the roadway in overtaking or passing on the right.

(3) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred feet of any vehicle approaching from the opposite direction.

(4) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

(a) When approaching the crest of a grade or a curve in the highway where the driver's view along the highway is obstructed.

(b) When approaching within one hundred feet of any bridge, viaduct or tunnel, or when coming within one hundred feet of or traversing any intersection or railroad grade crossing.

The provisions of this Sub-section shall not apply upon a one-way roadway.

(5) The Commissioner of Highways is hereby authorized to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones, and when such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.

(6) Whenever any roadway has been divided into three or more clearly marked lanes for traffic the following additional rules shall apply:

(a) A vehicle shall be driven as nearly as may be practical entirely within a single lane and shall not be moved from that lane until the driver has first ascertained that the movement can be made with safety.

(b) A vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and the center lane is clear of traffic within a safe distance, or in preparation for a left turn or where a center lane is at the time allocated exclusively to traffic moving in the direction in which the vehicle is proceeding

and is signposted to give notice of the allocation.

(c) Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and operators of vehicles shall obey the directions of such signs.

(7) (a) The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having regard for the speed of the vehicle and the traffic upon and condition of the highway.

(b) The operator of any motor truck, semi-trailer truck, bus or heavy construction equipment unit when traveling upon a highway outside of a business or residential district shall not follow within 250 feet of another such vehicle or equipment unit. This Sub-section shall not prevent overtaking and passing, nor shall it apply to any lane specially designated for use of motor trucks or semi-trailer trucks, busses or heavy construction equipment units.

Section 3. Section 189.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall stop a vehicle, leave it standing, or cause or permit it to stop or to be left standing upon the main traveled portion of a highway; provided, however, that this Section shall not be construed to prohibit parking off the main traveled portion of a highway or street in a city or suburban area where such parking is otherwise permitted. This Sub-Section shall not apply to a vehicle that has been disabled while on the main traveled portion of such a highway in such a manner and to such extent that it is impossible to avoid the occupation of the main traveled portion or imprac-

ticable to remove it from the highway until repairs have been made or sufficient help obtained for its removal and shall not apply to wreckers at the scene of accidents or emergency vehicles.

(2) Whenever any police officer finds a vehicle standing upon such a highway in violation of this Section, he may move the vehicle, or require the operator or other person in charge of the vehicle to move it, to a position off the paved or improved or main traveled part of the highway.

(3) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in a tunnel where the vehicle constitutes an obstruction to traffic, the officer may provide for the removal of the vehicle to the nearest garage or other place of safety.

(4) No person shall stop or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in the following places:

(a) On a sidewalk;

(b) In front of a public or private driveway;

(c) Within an intersection;

(d) At any place where official signs prohibit stopping; or

(e) Within thirty feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway.

(5) No person shall move a vehicle not lawfully under his control into any such prohibited area.

Said bill was ordered printed and referred.

By Mr. Head.

H. B. No. 313. AN ACT concerning classification of property subject only to taxation by the state.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The introductory phrase and subsection (4) of section 132.200 of the Kentucky Revised Statutes is amended to read as follows:

All property subject to taxation for state purposes shall also be subject to taxation in the county, city, school or other taxing district in which it has a taxable situs, except the classes of property described in KRS 132.030 and 132.050, and the following classes of property, which shall be subject to taxation for state purposes only:

(4) Machinery and products in course of manufacture, of individuals or corporations actually engaged in manufacturing, and their raw materials actually on hand at their plants for the purpose of manufacture, except as otherwise provided in KRS 91.260. Individuals or corporations actually engaged in the printing, publication or distribution of a newspaper or operating a job printing plant or a radio station or a television station shall be deemed to be actually engaged in manufacturing.

Said bill was ordered printed and referred.

By Mr. Holbrook.

H. B. No. 314. AN ACT concerning the crime of wilfull murder.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 435.010 of the Kentucky Revised Statutes is amended to read as follows:

Any person who commits wilfull murder shall be punished by confinement in the penitentiary for life, or for life without privilege of parole, or by death.

Said bill was ordered printed and referred.

By Mr. Holbrook and Maglinger.

H. B. No. 315. AN ACT concerning teachers' retirement.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 161.620 of the Kentucky Revised Statutes is amended to read as follows:

(1) The retirement allowance of a member retiring for superannuation whose age of retirement is seventy years or over shall be one percent of his average annual prior service salary for each year of prior service and one and one-half percent of his average annual subsequent service salary for each year of subsequent service. The retirement allowance of a member retiring for superannuation whose age at time of retirement is sixty years and less than seventy years shall be reduced to that amount which the value of the retirement allowance computed as provided in this section at age seventy will purchase as of the actual age of retirement of the member, according to the actuarial table in use by the system. The retirement allowance in final amount at age of retirement shall be determined by an actuarial factor equivalent to one at age seventy. Said factors shall be determined by the actuary of the retirement system and approved by the Board of Trustees.

(2) For any member retiring on or after July 1, 1946, no retirement allowance shall be greater than one-half of the member's average annual salary, nor greater than twelve hundred dollars.

(3) Effective July 1, 1950, and including living retired members and members who retire subsequently, no retirement allowance shall be less than one hundred dollars per year and not less than sixteen dollars per servie credit year at the time of retirement, but such total minimum allowance shall not be more than four hundred and eighty dollars per year. Any retirement allowance which has been or will be computed to be less than this minimum shall be increased to said minimum.

(4) Such net revenue as may accrue from an increase in the excise taxes imposed by KRS 138.020 on admissions to places

of amusement or entertainment shall, if the increase in such revenue is a propriated for teachers' retirement allowances, be distributed among the retired teachers on the annuity rolls of the retirement system in ratio of their service credit as defined in this chapter, at the time of their retirement and shall be in addition to the retirement allowance provided in subsection (2) and (3) of this section.

Said bill was ordered printed and referred.

By Mr. Holbrook.

H. B. No. 316. AN ACT concerning district detectives for Commonwealth's attorneys.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 69.110 of the Kentucky Revised Statutes is amended to read as follows:

(2) In counties containing a city of the second class the Commonwealth's attorney shall, and in all other circuit court districts may, appoint a district detective for a term of four years subject to removal at any time by the Commonwealth's attorney. He shall receive an annual salary of not less than $1,800, nor more than $3,600, to be paid out of the county levy in equal monthly installments.

Said bill was ordered printed and referred.

By Mr. Edwards.

H. B. No. 317. AN ACT to the transfer of teachers from one school to another.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) No teacher shall be arbitrarily transferred from one school to another. Notice of intention to make a transfer from one school to another shall be given the teacher affected in writing, together with the reasons therefor. Any teacher wishing

to resist such alleged arbitrary action shall, upon giving written notice to the board of education within five days after receiving notice of the proposed transfer, be entitled to a hearing before the board of education.

(2) Upon an unfavorable decision being rendered by the board, the teacher may have a right to appeal to the circuit court, however, the appeal must be prosecuted within thirty days after the decision of the board of education or the board's decision is final. Such appeal shall be an original action in said court and shall be commenced by the filing of a petition against such board of education in which petition the facts shall be alleged upon which the teacher relies for a reversal or modification of the order of transfer. Upon service or waiver of summons in said appeal, such board of education shall forthwith transmit to the clerk of said court for filing a transcript of the original notice of transfer, and reasons therefor, and a transcript of all evidence adduced at the hearing before such board, whereupon the cause shall be at issue without further pleading and shall be advanced and heard without delay. The court shall examine the transcript and record of the hearing before the board of education and shall hold such additional hearings as it may deem advisable, at which it may consider other evidence in addition to such transcript and record. Upon final hearing, the court shall grant or deny the relief prayed for in the petition. The decision of the circuit court shall be final.

Said bill was ordered printed and referred.

By Mr. Horn.

H. B. No. 318. AN ACT relating to the reporting of contributions and expenditures in connection with election.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Those officers with whom statements of election contributions and expenditures are required to be filed under the provisions of KRS 123.060, 123.070 and 123.080 shall, at least ten days before such statements are due, forward, by registered

mail, to every candidate and committee required to file such statements the necessary statement forms and notice of the due date.

Said bill was ordered printed and referred.

By Mr. Weathers.

H. B. No. 319. AN ACT relating to qualifications of school board members.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 160.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall be eligible to membership on a board of education:

(a) Unless he has attained the age of twenty-four years; and

(b) Unless he has been a citizen of Kentucky for at least three years preceding his election and is a voter of the district for which he is elected; and

(c) If an independent board of education, unless he has completed at least the eighth grade in the common schools, or if a county board of education, unless he has completed at least the twelfth grade in the common schools. Such qualification may be proven by the records of the school in which the last required grade was completed or by affidavits of the teacher or teachers under whom the work was completed. Possession of the equivalent of an eighth or twelfth grade education as determined by an examination held under rules and regulations adopted by the State Board of Education shall be acceptable in lieu of the formal education.

(d) Who holds or discharges the duties of any civil or political office, deputyship or agency under the city or county of his residence; or

(e) Who, at the time of his election, is directly or indirectly interested in the sale to the board of books, stationery or

any other property, materials, supplies, equipment or services for which school funds are expended; or

(f) Who has been removed from membership on a board of education for cause.

Said bill was ordered printed and referred.

By Mr. Bach.

H. B. No. 320. AN ACT to prevent trespassing upon posted railroad property.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any person who trespasses upon any part of a railroad right of way, track, yard, place of storage, shop or other railroad property, without the consent of an authorized official of the railroad company owning or controlling the property, after the railroad company has posted such part of its property with a sign at least twelve by twenty-four inches bearing conspicuously thereon the words "Railroad Property—No Trespassing" and showing generally or specifically the extent of the posted property, shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned for not less than ten days nor more than thirty days, or both. For the second and each subsequent offense the maximum and minimum penalties shall be doubled.

Section 2. This Act does not apply to railroad stations, ticket offices or office buildings, to the peaceful presence or activities of employees of a railroad company during a labor dispute, or to public or private roads, streets, ways or easements crossing railroad property or over or on which railroad tracks are maintained.

Section 3. If the authorized official of a railroad company notifies the parent or guardian of a minor in writing that such minor has been found trespassing upon any railroad property in violation of this Act, and thereafter the parent or guardian knowingly permits or directs the minor to trespass upon railroad

property that has been posted as provided in section 1 of this Act, or fails to make reasonable effort to prevent the minor from so trespassing, the parent or guardian shall be fined not less than ten dollars nor more than one hundred dollars.

Section 4. The provisions of this Act are severable, and if any provision or application thereof is held to be unconstitutional or invalid the remaining provisions and applications shall remain in full force and effect.

Said bill was ordered printed and referred.

By Mr. Harris.

H. B. No. 321. AN ACT to amend Section 135 of the Constitution of the Commonwealth of Kentucky relating to the subject of the Judicial Department.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Constitution of the Commonwealth of Kentucky be amended in relation to the subject of The Judicial Department so that Section 135 thereof shall read as follows:

"Sec. 135. No courts save those provided for in this Constitution shall be established, except that the General Assembly may establish, where needed, courts for the purpose of dealing with juveniles, domestic relations, traffic laws, or minor civil disputes; and further, if it deems necessary, the General Assembly may continue, limit, change or abolish the civil or criminal jurisdiction of the present magistrate or Justice of the Peace courts. The General Assembly may also establish a court (to relieve the Franklin Circuit Court), having the powers of a circuit court, with jurisdiction coextensive with the Commonwealth in civil litigation affecting the Commonwealth and in proceedings on appeal from departments, agencies, boards or commissions of the Commonwealth, which court shall be a court of continuous session of record at the seat of government, but shall hold sessions at such other places in the Commonwealth as the court shall determine to be most convenient for the litigants and the public generally.

Judges and other officials of any such additional courts established hereunder shall have such qualifications and be elected or appointed for such reasonable terms of years as may be prescribed by law."

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution, and under KRS 118.170 and 118.430.

Said bill was ordered printed and referred.

By Mr. Harris.

H. B. No. 322. AN ACT to amend the Constitution of the Commonwealth of Kentucky relating to the subject of Officers for the State at Large, amending sections 84, 85, 87, 91, 92, 93 and 95 thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Constitution of the Commonwealth of Kentucky be amended in relation to the subject of Officers for the State at Large so that the following sections thereof shall read as follows:

"Sec. 84. Should the Governor be impeached and removed from office, die, refuse to qualify, resign, or be, for any cause, unable to discharge the duties of his office, the Lieutenant Governor shall exercise all the power and authority appertaining to the office of Governor until another be duly elected and qualified, or the Governor shall be able to discharge the duties of his office. On the trial o fthe Governor, the Lieutenant Governor shall not act as President of the Senate or take part in the proceedings, but the Chief Justice of the Court of Appeals shall preside during the trial."

"Sec. 85. A President pro tempore of the Senate shall be elected by each Senate as soon after its organization as possible, the Lieutenant Governor vacating his seat as President of the Senate until such election shall be made; and as often as there

is a vacancy in the office of President pro tempore, another President pro tempore of the Senate shall be elected by the Senate, if in session. And if, during the vacancy of the office of Governor, the Lieutenant Governor shall be impeached and removed from office, refuse to qualify, resign, die, or be, from any cause, unable to discharge the duties of administering the government, the President pro tempore of the Senate shall in like manner administer the government: Provided, whenever a vacancy shall occur in the office of Governor before the first two years of the term shall have expired, a new election for Governor shall take place to fill such vacancy."

"Sec. 87. If the Lieutenant Governor shall be called upon to administer the government, and shall, while in such administration, resign, die, or be, from any cause, unable to discharge the duties of administering the government during the recess of the General Assembly, if there be no Pr esident pro tempore of the Senate, it shall be the duty of the Secretary of State, for the time being, to convene the Senate for the purpose of choosing a President; and until a President is chosen, the Secretary of State shall administer the government. If there be no Secretary of State to perform the duties devolved upon him by this section, or in case that officer be absent from the State, then the Attorney-General, for the time being, shall convene the Senate for the purpose of choosing a President, and shall administer the government until a President is chosen."

"Sec. 91. An Auditor of Public Accounts and an Attorney-General shall be elected by the qualified voters of the State at the same time the Governor is elected, for the term of four years, each of whom shall be at least thirty years of age at the time of his election, and shall have been a resident citizen of the State at least two years next before his election. The duties of these officers shall be such as may be prescribed by law and as may properly appertain to the offices. These officers shall enter upon the discharge of their duties the first Monday in January after their election and shall hold their offices until their successors are e lected and qualified."

"Sec. 92. The Atttorney-General shall have been a prac-

ticing lawyer eight years before his election, and be a member in good standing of the Bar of Kentucky."

"Sec. 93. The Attorney-General and the Auditor of Public Accounts shall be ineligible for the succeeding four years after the expiration of the term for which they shall have been elected. Other State officers, not specifically provided for in this Constitution, shall have such qualifications, and may be appointed or elected in such manner for such reasonable term of years, as may be prescribed by law."

"Sec. 95. The election under this Constitution for Governor, Lieutenant Governor, Auditor of Public Accounts and Attorney-General, shall be held on the first Tuesday after the first Monday in November, nineteen hundred and fifty-five, and the same day ever four years thereafter."

Se ction 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under sections 256 and 257 of the Constitution, and under KRS 118.170 and 118.430.

Said bill was ordered printed and referred.

By Mr. Moore, Peak and Shields.

H. B. No. 323. AN ACT relating to tuberculosis.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Communicable tuberculosis is a disease dangerous to the public health and welfare and as such it is the declared policy of this state that it be effectively controlled.

Section 2. As used in this Act, unless the context requires otherwise:

(1) "Afflicted person" means a person with communicable tuberculosis.

(2) "Health officer" means a county health officer, or physician appointed under the provisions of section 3.

(3) "Hospital" means any hospital, nursing home or other similar institution devoted wholly or partly to the care and treatment of persons with tuberculosis. "Public hospital" means any hospital supported by the state or other political subdivision.

(4) "Physician" means a person licensed to practice medicine as defined in KRS Chapter 311 except the practice of osteopathy.

Section 3. The county judge of each county shall appoint a medical advisory board of at least three physicians of the county to serve at the pleasure of the court. The members of the board shall serve without compensation except that they shall be reimbursed for all expenses incurred in the carrying out of their duties under this Act. The board shall advise and assist the health officer and county court and shall perform such other functions as is delegated to it by this Act.

Section 4. In any county not having a county health officer, the county judge, with the advice of the County Medical Society, shall appoint a physician, on a temporary or part-time basis, to perform the duties assigned to the health officer by this Act. The fiscal court of each county shall determine the compensation to be paid to a physician appointed under the provision of this section.

Section 5. (1) Every practicing physician or executive officer of every institution devoted to the care of the sick shall notify the health officer of the county in which the person afflicted resides, of every case of any form of tuberculosis which comes, respectively, under his professional observation or under his control in the institution devoted to the care of the sick. The notice shall be given in writing upon forms furnished by the Commissioner of the Department of Health and shall contain such information as he requires. The notice shall be given within twenty-four hours after the diagnosis of tuberculosis is made.

Section 6. (1) Any afflicted person shall be subject to quarantine in a private home or private or public hospital.

(2) The health officer may quarantine an afflicted person in his own home or in the home of another, if such is suitable,

and is authorized to enforce the quarantine regulations. He shall submit a written report of any violation of such regulations to the county judge or county attorney and any person convicted thereupon shall be imprisoned for not less than five days nor more than thirty days; each day of violation constituting a separate offense. The court may, however, in the case of an afflicted person, probate the jail sentence on condition that he enter and remain in a private hospital until released as provided in this Act, and while therein obey all the rules and regulations prescribed for the care and treatment of tuberculosis. Failure of the afflicted person to obey the rules and regulations of the private hospital shall result in imprisonment to serve the probated jail sentence or confinement in a public hospital as provided in this Act, or both.

(3) The health officer may, in the first instance, quarantine an afflicted person in a private hospital and may enforce the quarantine regulations in the same manner provided in subsection (2) of this section.

(4) If an afflicted person is unable to otherwise obtain proper treatment or care, or is unwilling to comply with the regulations for quarantine in a private home or private hospital, the health officer may, with the approval of the medical advisory board of the county, petition the county court for an order directing the admission of such person to any public hospital. Upon receipt of such petition the court shall fix a date for hearing, notice of which shall be served personally on the afflicted person and the health officer at least three days prior thereto. If, upon the hearing, it shall appear that the charges of the health officer are well-founded, the court shall commit the afflicted person to any public hospital, provided that, in the case of commitment to a state hospital, the Commissioner of the Department of Health may change the place of commitment. Such person shall remain committed until discharged in the manner prescribed in this Act.

Section 7. (1) Any afflicted person may, rather than submit to quarantine, remove from the state, and thereupon, the health officer of the county shall immediately notify the health authorities of the state to which removal is made.

(2) In the event any afflicted person moves to another county or local health jurisdiction within the state, the health officer of the county shall immediately notify the health officer of the place to which removal is made.

(3) No employer may knowingly employ, or permit to work, any afflicted person, except that, when the health officer finds that such employment will not endanger the health of others, he may grant permission to an employer to employ such afflicted person.

Section 8. (1) Any afflicted person quarantined in other than a public hospital shall be released from quarantine only upon the authority of the health officer of the county from which the afflicted person was committed.

(2) The health officer of the county from which an afflicted person was committed may also release such person from a public hospital. In addition, the chief medical officer of such hospital may discharge such person upon signing and placing among the records of the hospital a statement that the afflicted person had obeyed the rules and regulations of the hospital or institution and that, in his opinion, such person could be discharged without danger to the health of others, or for any other stated reason deemed sufficient to him. Notice of each such discharge, and the reason therefore, shall be reported immediately to the health officer for the county from which the afflicted person was committed.

Section 9. If any person or family shall become eligible for the receipt of financial aid, from any source, through the operation of this Act, such aid shall not have the effect of reducing or stopping any state or local assistance which may be received by such person or family. Similarly, the receipt of special assistance based on the operation of this Act shall not affect or reduce the eligibility of any person or family for other forms of public assistance.

Section 10. Any physician or executive officer of an institution devoted to the care of the sick who violates any of the provisions of section 5 of this Act shall be fined not more than five hundred dollars.

Said bill was ordered printed and referred.

By Mr. Bridgers.

H. B. No. 324. AN ACT providing for fair trade minimum mark-up prices for the sale of malt beverages by retailers for consumption on and off the premises, and providing for enforcement through injunctive processes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In order that fair trade practices may be observed in the retail sale of malt beverages, it is hereby provided that no holder of a malt beverage retailer's license may sell or offer to sell any malt beverage at retail, in the ordinary course of trade, for consumption on and off the licensed premises, at a price less than fifty-nine percent above the cost of such malt beverage to the retailer, which cost shall be deemed to consist of the actual price paid by the retailer to the brewer or distributor, inclusive of bottling charges, and all other charges paid to the brewer or distributor, plus taxes and transportation charges.

Section 2. Any person who offers for sale or sells any malt beverage at less than the price required by Section 1 of this Act may be injoined from further violation on application to the circuit court by any law enforcement officer or aggrieved person.

Said bill was ordered printed and referred.

By Mr. Lewis and Withers.

H. B. No. 325. AN ACT to amend section 42 of the Constitution of the Commonwealth, relating to the Legislative Branch of Government.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Section 42 of the Constitution of Kentucky to amended to read as follows:

"The members of the General Assembly shall severally receive from the State Treasury compensation for their services, which shall be five (5.00) dollars a day during their attendance on, and fifteen (15c) cents per mile for the necessary travel in going to and returning from the sessions of their respective Houses; provided the same may be changed by law; but no change shall take effect during the session at which it is made. a legislative day shall be construed to mean a calendar day. No bill shall be introduced in either House of the General Assembly after the thirtieth legislative day of a regular biennial session unless its introduction shall be approved by a majority of all the members elected to the House in which the bill is introduced."

Section 2. This amendment shall be submitted to the voters for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under KRS 118.430.

Said bill was ordered printed and referred.

By Mr. Sanders and Shields.

H. B. No. 326. AN ACT relating to eminent domain.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) In all actions for the condemnation of lands under the provisions of KRS 416.230 to 416.300 there shall be allowed to the landowners as damages such a sum as will fairly represent the reduction in the market value of the entire tract of land through which such pipe line is to be constructed, which reduction shall not be limited by the value per acre of the land actually embraced in the easement.

(2) Where access to the pipe line may be had over the easement sought to be condemned, ingress and egress to and from the pipe line and appurtenances shall be limited to the easement itself.

Said bill was ordered printed and referred.

By Mr. Sanders and Shields.

H. B. No. 327. AN ACT relating to the construction of pipe lines.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No pipe line for the transmission of gas, petroleum products or other inflammable or explosive substance shall be constructed or placed nearer than one half mile of any other pipe line of a like or similar nature used for a like or similar purpose except, (1) in cities where such lines are used for delivery of such products to retail customers, (2) where such lines converge within one mile of a pumping or booster station used and maintained for the increasing of the flow or pressure within such pipe line, or (3) where such pipe lines cross. At the points where such pipe lines cross it shall be the duty of the contractor to cross at a right angle where possible.

Said bill was ordered printed and referred.

By Mrs. Burnett.

H. B. No. 328. AN ACT relating to destruction of certain county court records.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The following records, required to be kept in the office of county court clerks, may be destroyed, without notice, by the clerk after ten years from the date of their filing, unless they be under controversy:

(a) Original chattel mortgages,

(b) Bills of sale and motor vehicle registrations,

(c) Whiskey withdrawals,

(2) The following records may be destroyed under the same conditions and reservations as in subsection (1) above if

a photostatic copy is kept in the county clerk's office as a permanent record:

(a) Originals of partial and final settlements of estates, guardians and committees, except trust estates.

(b) Original inventories and appraisals of estates,

(c) Original sheriffs' settlements.

Said bill was ordered printed and referred.

By Mr. McClain.

H. B. No. 329. AN ACT relating to inheritance and estate taxes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of section 140.030 of the Kentucky Revised Statutes is amended to read as follows:

(2) The proceeds payable under any life insurance policy on the death of the assured (other than a United States Government Life Insurance policy or National Service Life Insurance policy issued by or through the Federal Government), whether payable to a designated beneficiary or to the assured or his estate, shall be taxable as a part of the legacy as the distributable share of the beneficiary, except that the proceeds of an insurance policy payable to a designated beneficiary other than the assured or his estate, not to exceed forty thousand dollars in the aggregate, shall be tax-free. The tax-free portion shall be divided among the beneficiaries in proportion to the proceeds payable to each of them. The proceeds payable under any United States Government Life Insurance policy or National Service Life Insurance policy issued by or through the Federal Government, whether payable to a designated beneficiary or to the assured or his estate, and any pension or annuity payments made or to be made to the widow of an employe of a railroad or other carrier under the Federal Railroad Retirement Act of 1935 as amended, shall be tax-free, and shall not be considered in determining the value of any taxable transfer.

Said bill was ordered printed and referred.

By Mr. Henry, Blanton.

H. B. No. 330. AN ACT relating to fees of County Judges.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) For services rendered in civil matters in quarterly courts, county judges may collect the same fees allowed by KRS 64.240 to police judges and justices for similar services in civil matters.

(2) Unless the Plaintiff has established his right to prosecute as a poor person under KRS 453.190, each county Judge shall collect at the institution of a civil action the following amounts to be applied on the cost; Where the amount in controversy exclusive of costs and interest is:

Less than $50.00	$3.50
More than $50.00, but not more than $100	5.00
More than $100.00	7.50

(3) For settling accounts of fiduciaries the fee of the county judge may be 1/10% of the first $25,000 and 1/20% of the amount in excess of $25,000 of the gross estate. In no case shall the fee be less than $5.00 or more than $100.00.

Said bill was ordered printed and referred.

By Mr. Henry and Blanton.

H. B. No. 331. AN ACT relating to annual financial statements by public officers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of section 61.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except in counties containing a city of the first class and cities required by law to publish an annual audit of their financial affairs, of the knd and character contemplated by this section, every public officer of any county, graded school district, city, or subdivision or district less than a county, whose duty it is to collect, receive, have the custody, control or disbursement of public funds, shall at the expiration of each fiscal year prepare a sworn statement of the funds collected, received, held or disbursed by him during the fiscal year just closed. The statement shall show the amount of public funds collected and received, from what sources received, the amount disbursed, for what purpose expended, and to whom paid; provided, however, that only the total of the amounts paid as salary or perdiem compensation during the fiscal year to each official or employe of the government unit shall be shown in the statement. The amounts paid election officers or election officials may, be shown in the aggregate. The officer shall procure and include in or attach to the report as a part thereof a certificate from the cashier or other proper officer of the banks in which the funds are or have been deposited during the past year, showing the balance, if any, of public funds to the credit of the officer making the statement. The officer shall, within sixty days after the close of the fiscal year, cause the statement or the complete audit report, which shall include all the information required for the statement herein provided for, to be published in full in the newspaper published in the county that has the largest bona fide circulation in the governmental unit or district for which the statement is published, and shall file a written or printed copy of the statement or audit report and a copy of the published statement or audit report, subscribed and sworn to, i nthe office of the county clerk of the county in which the officer holds office.

Said bill was ordered printed and referred.

By Mr. Blanton.

H. B. No. 332. AN ACT relating to the fees of court commissioners and receivers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 64.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fees of court commissioners and receivers for the following services shall be as follows:

To a commissioner for allotting dower, dividing land, settling account, or appraising damage for right-of-ways, per day, not to exceed ---------- $15.00

To a commissioner for making a deed---------- 1.50

To a master commissioner or receiver, where the amount is not agreed upon by the parties, for each day they are actually engaged---------- 3.00

For selling land or personal property:
Where the amount of the sale does not exceed $2,000 7.50

Where the sale amounts to more than $2,000, but does not exceed $5,000 ---------- 10.00

Where the sale amounts to more than $5,000, but does not exceed $10,000 ---------- 15.00

Where the sale exceeds $10,000 ---------- 25.00

Where the officer goes out of the county to make the sale he shall be allowed his actual expenses and five dollars per day in addition to the fees.

Where more than one tract of land is sold under the same decree, the court may allow not exceeding five dollars for each additional tract sold.

If a sale is set aside because of the fault of the officer making the sale, he shall not receive any compensation for his services connected with the sale.

For receiving and paying out money under an order of Court:

Where the amount is $1,000 or less, 2%.

Where the amount is more than $1,000, but does not exceed $2,000, 2% on the first $1,000, and 1.5% on the excess.

Where the amount is more than $2,000, but does not exceed $5,000, 2% on the first $1,000, 1.5% on the second $1,000, and 1% on the excess.

Where the amount is over $5,000, he shall receive fees on the first $5,000 as above provided, and 0.5% on the remainder.

Said bill was ordered printed and referred.

By Mr. Baer.

H. B. No. 333. AN ACT relating to public welfare in cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. Any department of public welfare established under the provisions of KRS 83.160 and KRS 98.010 may recover from any person who receives general assistance in the form of money payments an amount equal to the sum of such money payments, and such departments may recover an amount of money equal to the value of any assistance in kind or service to or for the benefit of any person only in the following circumstances: if the recipient though destitute at the time he receives assistance subsequently receives from other than public sources income or other support in sufficient amount to reimburse the department, partially or wholly.

SECTION 2. Upon the death of any person who has been paid general assistance by or through the department of public welfare of a city of the first class, said city shall have a claim against the estate of the deceased for all amounts of general assistance paid to him or on his behalf. The claim shall have priority over all unsecured claims against such estate except the burial expenses of the decedent, the cost of administration of his estate, the cost of his last illness and claims by the Commonwealth of Kentucky for public assistance rendered by it to the

decedent. The claim shall be filed against the estate of the deceased person in the same manner as other claims are filed against decedents' estates.

SECTION 3. On and after July 1, 1952 a city of the first class shall have a lien upon all real estate and rights to real estate belonging to or thereafter acquired by any recipient of general assistance through said city's department of public welfare. The lien shall become effective upon the first payment of assistance to the recipient after the effective date of this section and shall be cumulative and shall include all amounts paid to the recipient. The lien shall continue until it is satisfied, or becomes unenforceable.

The lien shall not be effectual as against any mortgage, purchaser, or judgment creditor without actual notice until notice thereof has been filed by the director of public welfare of the city i nthe office of the clerk of the county court of the county in which the property is located. Such notice from the date of the filing thereof shall constitute notice of all payments of assistance, whether paid prior or subsequent to the date of the filing of the notice. Such notice shall be filed by the director of public welfare in those cases in which it is discovered that the recipient has sufficient real estate to justify the filing of such a notice.

The director of public welfare shall file an adequate notice of the existence of the lien provided for by this chapter which notice shall not specify the amount of assistance paid but the director of public welfare shall furnish to any authorized person upon proper request the total amount of the lien as of the date of the inquiry.

The clerk of the county court shall file, record and index such notices as other liens on real estate are required by law to be filed, recorded and indexed but shall index said lien only in the name of the recipient. The lien shall be designated "City's Lien."

The clerk shall be entitled to a fee of $1.00 for filing and indexing the lien. The department of public welfare of the city shall pay the fee but the fee shall become a part of the lien as an

added cost to the recipient to be recovered at the time a lien is satisfied.

The lien shall not be enforceable while the real estate is occupied by the surviving spouse or until she remarries, or is occupied by a dependent child, provided, no other action is brought to settle the estate.

In any case it which it appears that it would be to the best interest of the recipient to sell his real estate and reinvest the proceeds in other real estate, the department of public welfare of the city may grant permission and waive the lien to the extent necessary for the purpose of effecting the transfer but such lien shall attach to the reinvested property.

Any claim under the Act may be precipitated and the lien provided by this Act may be enforceable during the lifetime of any person who has received general assistance in order to recover any amount obtained as a result of such person knowingly making a false statement or representation or knowingly failing to disclose a fact to procure, increase, or continue any material benefit for himself.

SECTION 4. If any inmate or patient of any institution operated under the provisions of KRS 83.160, except the city workhouse, who is eligible for admission to said institution under the ordinances of the city and rules and regulations of the city's department of public welfare is financially able to pay a portion of the cost of his care, the city's department of public welfare shall have the authority to receive such payment as he is able to make.

Said bill was ordered printed and referred.

By Mr. Baer.

H. B. No. 334. AN ACT concerning city attorneys in cities of the Second Class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 69.450 of the Kentucky Revised Statutes is amended to read as follows:

The qualified voters of cities of the second class shall elect a city attorney. The city attorney shall appear for the city in all cases in the police court, and shall prosecute or defend on behalf of the city all appeals from the decisions of the police court in which the city is a party or is in any way interested. The city attorney shall be paid a minimum of $4,000 per annum and shall be entitled each year to a vacation of one month during which the city shall employ a city attorney pro-tem to serve, and who shall receive the same compensation pro-rata as the regular city attorney. The compensation of the city attorney pro-tem shall not be deducted from the compensation of the city attorney.

Said bill was ordered printed and referred.

By Mr. Friedlander, Baer and Heyburn.

H. B. No. 335. AN ACT relating to the recoring of written instruments.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) Any instrument recorded under the provisions of KRS Chapter 382 may make reference to any instrument previously admitted to record in the same county by setting forth the date of such instrument and the book and page in which it is recorded, and by such reference may incorporate any or all of the provisions of such instrument previously recorded, with the same effects as if the provisions so incorporated by reference were copied at length in such later instrument; and the incorporation by reference of such provisions shall constitute constructive notice to all persons that such provisions constitute part of such later instrument to the same extent as if they were copied in full therein.

(2) Recording fees charged by county clerks shall be predicated upon the number of words recorded, both in fact and by reference.

Section 2. Any instrument recorded purusant to section 1 of this Act shall bind the parties thereto to the same extent as if

the material incorporated therein by reference was copied in full therein; provided that where the provisions of the later instrument are inconsistent with any provisions which are incorporated by reference, the provisions specifically set forth in such instrument shall control; and provided further, that in order for the incorporation to be effective, the later instrument must be signed and acknowledged in the county in which the instrument, all or part of which is to be incorporated by reference, is recorded.

Said bill was ordered printed and referred.

By Mr. Baer.

H. B. No. 336. AN ACT concerning homicide proximately caused by reckless operation of a motor vehicle.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

When the death of any person ensues within one year as a proximate result of injury received by the driving or operating of any vehicle in reckless disregard of the safety of others, the person so driving or operating such vehicle shall be guilty of negligent homicide.

Any person convicted of negligent homicide shall be punished by imprisonment for not more than one year or by fine of not less than $100 nor more than $500 or by both such fine and imprisonment.

The Department of Revenue shall forthwith revoke the license of any operator of a motor vehicle for a period of one year upon receiving notice of his conviction of negligent homicide.

Said bill was ordered printed and referred.

By Mr. Baer.

H. B. No. 337. AN ACT concerning organization, officers, practice and juries in police courts of cities of certain classes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of section 26.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) In cases where a fine of $50 or more or imprisonment of ten days or more is imposed by the police courts in cities of the first and second class, appeals may be taken to the circuit court.

Section 2. Section 26.150 of the Kentucky Revised Statutes is amended to read as follows:

In cities of the second class the police court shall have one judge. He shall receive a salary fixed by ordinance at not less than $5000 per annum, and no other compensation except the fees allowed to judges for holding examining trials in felony cases. He shall have each year a vacation of one month. No person shall be eligible to be police judge unless at the time of his election he is at least twenty-five years of age and has been a resident of the city for at least four years.

Section 3. Subsection (2) of section 26.330 of the Kentucky Revised Statutes is amended to read as follows:

In cities of the second and third classes, the police judge or police judge pro tem may issue any mesne or final process. After reasonable hours, the chief of police or officer in charge may issue any mesne or final process.

Section 4. Subsection (3) of section 26.330 of the Kentucky Revised Statutes is hereby repealed.

Section 5. In any county containing a city of the second class, the circuit judge, or, where the court has divisions, the judge of the common law and equity division, shall, at the same time that he draws the names of circuit court jurors pursuant to KRS 29.130, draw sufficient additional names to procure a list of two hundred names of persons resident within the said city. This list of two hundred names shall be certified by the judge who drew them, sealed in an envelope and delivered forthwith to the judge of the police court.

Section 6. Subsection (2) of section 26.400 of the Kentucky Revised Statutes is amended to read as follows:

In cities of the second class, the police court shall not impose a penalty exceeding ten days' imprisonment or a fine in excess of fifty dollars without the intervention of a jury unless the right to a jury is waived by the accused. If a jury is required, the judge shall direct any police officer to summon from the list of jurors provided by the circuit judge, and at least three days before they are required to appear, such number of jurors as the judge shall designate. If necessary to provide time to summon jurors, the judge shall continue the case. The court shall have the same power as circuit courts to hold or excuse the attendance of jurors. If the court is unable to obtain a jury from the regular jury panel, the judge may order any police officer to summon sufficient bystanders to complete the jury. Police court jurors shall receive the same fees as are paid to circuit court jurors.

Section 7. Section 26.570 of the Kentucky Revised Statutes is amended to read as follows:

The police judge in cities of the second and third classes may appoint a clerk of his court. The clerk in cities of the second class shall receive a salary to be fixed by ordinance at not less than $1,800 per annum. The clerk in third class cities shall receive a salary to be fixed by ordinance at not less than $600 per annum. Upon appointment, the clerk shall be eligible for classification under the provisions of Chapter 90 of the Kentucky Revised Statutes.

Section 8. Section 26.580 of the Kentucky Revised Statutes is hereby repealed.

Said bill was ordered printed and referred.

By Mr. Baer.

H. B. No. 338. AN ACT concerning motor vehicle traffic regulations.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 189.520 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person under the influence of intoxicating liquors or narcotic drugs shall operate a vehicle that is not a motor vehicle upon a highway.

(2) It shall be unlawful and punishable as provided in KRS 189.990 for any person who is under the influence of intoxicating liquor to drive or be in actual physical control of any motor vehicle within this state.

(3) It shall be unlawful and punishable as provided in KRS 189.990 for any person who is an habitual user of, or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle to drive or be in actual physical control of any motor vehicle within this state. The fact that any person charged with a violation of this subsection is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this subsection.

(4) No peace officer or Highway Patrolman shall fail to enforce rigidly this section.

Section 2. (1) In any criminal prosecution for a violation of subsections (1), (2) or (3) of KRS 189.520, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

(a) If there was 0.05 percent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor;

(b) If there was an amount in excess of 0.05 percent but less than 0.15 percent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant;

(c) If there was 0.15 percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

(2) The provisions of subsection (1) hereof shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor.

Section 3. Section 189.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 189.020 to 189.040, subsections (1), (2) and (5) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS to 189.190, KRS 189.200, 189.300 to 189.360, subsections (2) of KRS 189.370, KRS 189.380, KRS 189.390, KRS 189.400 to 189.430, 189.450 to 189.480, subsections (1) of KRS 189.520, KRS 189.540, subsections (1) of KRS 189.560, or KRS 189.570, to 189.630, except subsection (1) of KRS 189.580, shall be fined not less than ten dollars nor more than one hundred dollars for each offense. Any person who violates subsection (1) of KRS 189.580 shall be fined not less than ten dollars nor more than five hundred dollars, or imprisoned in the county jail for not more than one year or both.

(2) (a) Any person who violates the weight provisions of KRS 189.221 or 189.222 shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount equal to two cents per pound for each pound of excess load when the excess is 2,000 pounds or less, three cents per pound when the excess exceeds 2,000 pounds and is 3,000 pounds or less, five cents per pound when the excess exceeds 3,000 pounds and is 4,000 pounds or less, seven cents per pound when the excess exceeds 4,000 pounds and is 5,000 pounds or less, and nine cents per pound when the excess exceeds 5,000 pounds but in no case to exceed $500.

(b) Any person who violates any provision of subsections (3) and (4) of KRS 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270, 189.280, or 189.490, for which an-

other penalty is not specifically provided, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not exceeding $500.

(c) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to prejudice or affect the authority of the Division of Motor Transportation to suspend or revoke certificates of common carriers, permits of contract carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221 to 189.228 or any other Act applicable to motor vehicles, as provided by law.

(3) Any person who violates KRS 189.170 shall be fined not less than five nor more than fifty dollars for each day he operates a truck in violation of KRS 189.170.

(4) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not more than five dollars.

(b) Any person who violates subsection (5) of KRS 189.190 shall be fined not less than twenty-five nor more than two hundred dollars.

(5) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not less than fifteen nor more than one hundred dollars.

(b) Any peace officer who fails, when properly informed, to enforce KRS 189.210 shall be fined not less than fifteen nor more than one hundred dollars.

(c) All fines collected under this subsection, after payment of commissions to officers entitled thereto, shall go to the county road fund if the offense is committed in the county, or to the city street fund if committed in the city.

(6) Any person who violates subsection (3) of KRS 189.320 shall be guilty of a misdemeanor.

(7) Any person who violates subsection (1) of KRS 189.370 shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

(8) Any person who violates KRS 189.500 shall be fined not more than five dollars in excess of the cost of the repair of the road.

(9)Any person who violates KRS 189.510 shall be fined not less than ten nor more than fifty dollars.

(10) (a) Any person who violates subsections (2) and (3) of KRS 189.520 shall be fined, for the first offense, not less than one hundred nor more than five hundred dollars, and for each subsequent offense he shall be fined not less than one hundred nor more than five hundred dollars and imprisoned for not more than six months.

(b) Any peace officer who violates subsection (4) of KRS 189.520 shall be fined not less than twenty-five nor more than one hundred dollars.

(11) Any person who violates KRS 189.530 shall be fined not less than twenty-five nor more than one hundred dollars or imprisoned not less than thirty days nor more than twelve months, or both.

(12) Any person who violates any of the provisions of KRS 189.550 shall be fined not less than ten nor more than one hundred dollars for each offense.

(13) Any person who violates subsection (2) of KRS 189.560 shall be fined not less than twenty nor more than one hundred dollars for each offense.

(14) The fines imposed by subsection (4) (a) and subsections (8) and (9) of this section shall, in the case of a public highway, be paid into the county road fund, and in case of a privately owned road or bridge be paid to the owner. These fines shall not bar an action for damages for breach of contract.

(15) Any person who violates any of the provisions of KRS 189.120 shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

(16) Any person who violates any provisions of KRS 189.575 shall upon conviction thereof, be fined not exceeding twenty-five dollars.

(17) Any person who violates any of the provisions of KRS 189.290 shall be fined not less than ten dollars nor more than two hundred dollars and imprisoned for not more than sixty days, or both, so fined or imprisoned.

Said bill was ordered printed and referred.

By Mr. Blanton.

H. B. No. 339. AN ACT concerning statements and descriptions in applications for insurance.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.656 of the Kentucky Revised Statutes is amended to read as follows:

All statements or descriptions in any application for an insurance policy or in negotiations therefor, by or in behalf of the insured, shall be deemed to be representations and not warranties. Misrepresentations, unless material and fraudulent, shall not prevent a recovery on the policy.

Said bill was ordered printed and referred.

By Mrs. Stovall.

H. Res. No. 35. A JOINT RESOLUTION divesting the Commonwealthof Kentucky and any of its departments or agencies from any interest in the estate of the late John A. Kleber.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Commonwealth of Kentucky and all of its departments and agencies hereby divest themselves of all interest, whether already vested or to vest in the future, in the estate of the late John A. Kleber, of Franklin County, Kentucky.

Section 2. Section 1 shall apply only to that interest in the estate which passes as a result of the will.

Said resolution was ordered printed and referred.

By Mr. Cosby.

H. Res. No. 36. A RESOLUTION relating to certain funds now held oy the State Board of Health.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the State Board of Health if hereby directed to turn over to the Kentucky Board of Optometric Examiners certain funds which the Board of Health collected in connection with the examining and licensing of optometrists when those functions were a part of the duties of the State Board of Health.

Said resolution was ordered printed and referred.

By Mr. Ruh, Dressman, Sheehan, Kearby, Jonas, Morgan, Duncan, Hilton, Walsh, Edwards, Friedlander, Baer, McCallum, Wirsch, Murphy, Engle and Mrs. Stovall.

H. B. No. 340. AN ACT relating to Industrial Relations.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 336.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) There is hereby created in the Department of Industrial Relations a Division of Special Services which shall be in charge of a director appointed by the Commissioner of Industrial Relations with the approval of the Governor and who shall perform his duties under the supervision of the commissioner and serve at the pleasure of the commissioner. The commissioner with the approval of the Governor may also appoint such other necessary personnel, agents, employes and attorneys in said division as he deems necessary and fix their salaries and also the salary of the Director according to law, all of whom shall serve at the pleasure of the commissioner.

(2) Whenever a question arises concerning the representat.on of employes in industry, the Director of the Division of Special Services shall investigate such controversy and certify to the parties, in writing the name or names of the representatives that have been designated or

selected. In any such investigation, the commissioner shall provide for an appropriate hearing upon due notice, and shall take a secret ballot of employes, or utilize any other suitable method to ascertain such representatives.

(3) The Director of the Division of Special Services shall decide in each case, in order to insure the employes the full benefit of their right to self organization and to collective bargaining, and otherwise to effectuate the policies of this Act, the unit appropriate for the purposes of collective bargaining.

(4) Representatives designated or selected for the purposes of collective bargaining by the majority of the ,employes in a unit appropriate for such purposes, shall be the exclusive representatives of all the employes in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment: Provided, that any individual employe or a group of employes shall have the right at any time to present grievances to their employer.

(5) Whenever an order of the Director of Special Services is made, based in whole or in part upon facts certified following an investigation pursuant to subsection (1) of this section, it shall be binding and final upon the parties concerned, said parties shall then proceed in good faith to bargain collectively, the result of such understanding shall be, reduced to writing and signed by both parties.

(6) In the discharge of his duties, the Director of the Division of Special Services or his authorized deputy may enter the employer's premises for the purpose of investigating the dispute.

Section 2. Section 336.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Director of the Division of Special Services shall inquire into the causes of strikes, lockouts and other disputes between employers and employes, and endeavor to effect an amicable settlement. He may create within the division boards to which disputes between employers and

employes may be submitted on requests of both the employer and the employe for mediation.

(2) The term Director of Division of Special Services, whenever used in Sections KRS 336.140 and 336.150 shall mean, the Director of Special Services, or deputy or duly appointed agent, or employes of the department of Industrial Relations.

(3) The Director of the Division of Special Services may act as conciliator and mediator and appoint conciliators and mediators in labor disputes whenever his intervention is requested by either party. He may also offer his services as conciliator and mediator if any emergency by reason of a labor dispute if found to exist at any time. If the parties accept conciliation and mediation, the Director of Division of Special Services, in the course of such concilation and mediation, may hold hearings to determine the reason for the labor dispute and receive the testimony of witnesses under oath. Any findings of fact made by him in connection with the hearing shall be reduced to writing and made a public record of his department. If the Governor directs, the Director of the Division of Special Services shall take any steps he considers proper to effect a voluntary amicable settlement of differences between employer and his employes.

(4) In any labor dispute in which the services of the Director of Special Services as conciliator and mediator have been accepted by both parties, no strike or lockout shall take place pending the efforts of the Director of the Division of Special Services or his authorized representatives to conciliate and mediate the dispute. When the services of the Director of the Division of Special Services as conciliator and mediator are accepted by both parties to a labor dispute, he shall promptly investigate and undertake to conciliate and mediate it without delay. No agreement accepting the services of the Director of the Division of Special Services shall be binding on either party for longer than fifteen days, but the term may be extended by mutual consent of the parties of the agreement.

(5) Nothing in KRS 336.140 or in this section shall apply where a joint wage agreement provides for settlement of disputes. Any dispute arising under such agreement shall be settled according to it, and when so settled shall be binding and final upon the Director of the Division of Special services. Nothing in KRS 336.130, 336.140 or this section shall apply where the authority of a Federal agency applies or a Federal agency assumes jurisdiction. If the Director of the Division of Special Services has assumed jurisdiction and a Federal agency thereafter assumes jurisdiction, the authority of the Director of the Division of Special Services shall cease pending Federal jurisdiction.

(6) The Commissioner shall make, promulgate and publish such reasonable rules and regulations as are necessary to administer and carry out the provisions of this chapter.

Said bill was ordered printed and referred.

By Mr. Sanders, Peak and Kearby.

H. B. No. 341. AN ACT relating to Wagers and Lotteries, the accepting of Wagers, and the conducting of Wagering Pools or Lotteries.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The possession by any person of a U. S. tax stamp, purchased by that person or in his name, denoting the payment of the special tax imposed by sections 3290, 3291, 3292 and 3293 of the U. S. Revenue Act of 1951 or the displaying of such a stamp in the place of business of any person shall be prima facie evidence of the guilt of the person in whose name the stamp was issued and the person or persons in whose place of business the stamp was displayed of violating KRS 436.230, 436.240, 436.360, 436.370, 436.440, 436.450 or 436.490.

(2) An attested copy of the record of the office issuing such stamp, showing its issuance, shall be admissible in evidence

in any prosecution under KRS 436.230, 436.240, 436.360, 436.370, 436.440, 436.450 or 436.490.

Said bill was ordered printed and referred.

By Mr. Wathen.

H. B. No. 342. AN ACT to amend section 99 of the Constitution of the Commonwealth of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Upon the concurrence of three-fifths of the members elected to each house of the General Assembly of the Commonwealth of Kentucky, the yeas and nays being taken thereon and entered in full upon their respective journals, Section 99 of the Constitution of the Commonwealth of Kentucky be, and the same is, amended and revised so that when amended and revised it shall read as follows:

There shall be elected in eighteen hundred and ninety-four in each county a Judge of the County Court a County Court Clerk, a County Attorney, Sheriff, Jailer, Coroner, Surveyor and Assessor, and in each Justice's District one Justice of the Peace and one Constable, who shall enter upon the discharge of the duties of their offices on the first Monday in January after their election, and continue in office three years, and until the election and qualification of their successors; and in eighteen hundred and ninety-seven, and every four years thereafter, there shall be an election in each county of the officers mentioned, who shall hold their offices four years (from the first Monday in January after their election), and until the election and qualification of their successors. The first election of Sheriffs under this Constitution shall be held in eighteen hundred and ninety-two, and the Sheriffs then elected shall hold their offices two years, and until the election and qualification of their successors.

Section 2. This amendment shall be submitted to the

voters of the Commonwealth for their ratification or rejection at the next general election for members of the House of Representatives as provided by sections 256 and 257 of the Constitution of Kentucky, and section 118.430 of the Kentucky Revised Statutes.

Said bill was ordered printed and referred.

By Mr. Jonas.

H. B. No. 343. AN ACT relating to the replacement of glass in motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person shall install or cause to be installed in any motor vehicle, as a replacement of any windshield or door or window glass, any glass other than safety glass which, as used in this section, shall mean any product composed of glass so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken or such other or similar product as may be approved by the Department of Revenue, as provided by KRS 189.120.

Section 2. Any person violating this Act shall be fined not less than ten dollars nor more than one hundred dollars.

Said bill was ordered printed and referred.

COMMITTEE REPORTS

Mrs. Mary E. Burnett, Chairman of the Committee on Appropriations, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 39. AN ACT relating to public library service and making an appropriation therefor.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Chester J. Holsclaw, Chairman of the Committee on Ways and Means, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 165. AN ACT relating to the fees of jailers; amending KRS 64.150.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 64.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Jailers shall be paid out of the county treasury, except as provided in subsection (2) of this section, the following fees for the following services:

Attending county and quarterly courts, per day not exceeding ---------- $2.00

Furnishing fuel and lights to county and quarterly courts, except as provided in KRS 67.150, a reasonable compensation, not exceeding, per day---------- 2.00

Putting a prisoner in irons, for an offense other than a felony or contempt, besides the cost of irons--------- .50

Keeping and dieting prisoners in jail, when confined for an offense other than a felony or contempt of court, per day ---------- 1.75

Imprisoning and releasing a prisoner charged with a misdemeanor ---------- .60

(2) Where the prisoner is confined for a breach of the by-laws or ordinances of a city, or for violation of a statute where the city gets the benefit of the fine, the fees for keeping and dieting the prisoner and for imprisoning and releasing him shall be paid by such city.

(3) Jailers shall be paid out of the State Treasury the following fees for the following services:

Imprisoning and releasing a prisoner charged with a felony or contempt ---------- .60

Keeping and dieting a prisoner charged with a felony or contempt, per day ---------- 1.75

Putting a prisoner charged with a felony or contempt in irons, to secure his safekeeping in the jail, besides the cost of irons ---------- .50

Each day's attendance upon the circuit court---------- 2.00

Furnishing fuel, light and water to the circuit court, not exceeding, per day ---------- 2.00

(4) For all other services performed by the jailer, he shall receive the same fees paid to sheriffs for like services.

Section 2. This Act shall take effect on the first Monday in January, 1954.

With Committee amendment thereto, by way of substitute, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 64.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Jailers shall be paid out of the county treasury, except as provided in subsection (2) of this section, the following fees for the following services:

Attending county and quarterly courts, per day not exceeding ----------$2.00

Furnishing fuel and lights to county and quarterly courts, except as provided in KRS 67.150, a reasonable compensation, not exceeding, per day---------- 2.00

Putting a prisoner in irons, for an offense other than a felony or contempt, besides the cost of irons-------- .50

Keeping and dieting prisoners in jail, when confined for an offense other than a felony or contempt of court, per day ---------- 1.75

Keeping and dieting prisoners in jail, in counties containing a first-class city, when confined for an offense other than a felony or contempt of court per day---- 1.75

Imprisoning and releasing a prisoner charged with a misdemeanor ---------- .60

(2) Where the prisoner is confined for a breach of the by-laws or ordinances of a city, or for violation of a statute where the city gets the benefit of the fine, the fees for keeping and dieting the prisoner and for imprisoning and releasing him shall be paid by such city.

(3) Jailers shall be paid out of the State Treasury the following fees for the following services:

Imprisoning and releasing a prisoner charged with a felony or contempt ---------- .60

Keeping and dieting a prisoner charged with a felony or contempt, per day ---------- 1.75

Putting a prisoner charged with a felony or contempt in irons, to secure his safe-keeping in the jail, besides the cost of irons ---------- .50

Each day's attendance upon the circuit court ---------- 2.00

Furnish fuel, light and water to the circuit court, not exceeding, per day ---------- 2.00

(4) For all other services performed by the jailer, he shall receive the same fees paid to sheriffs for like services.

Section 2. This Act shall take effect on the first Monday in January, 1954.

With the expression of opinion that same should pass by way of committee substitute.

Whereupon said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Sidney Baer, Chairman of the Committee on Criminal Law, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 215. AN ACT relating to the Statute of Frauds.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Chester J. Holsclaw, Chairman of the Committee on Ways and Means, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 94. AN ACT relating to the qualifications and licensing of dentists.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Clarence J. Barnum, Chairman of the Committee on Cities of the First Class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 282. AN ACT authorizing payment of traveling expenses of certain public officers and employees of counties containing cities of the first class.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Clarence J. Barnum, Chairman of the Committee on Cities of the First Class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 262. AN ACT concerning the placing of fire hydrants in the public ways in cities of the first class; the letting of contracts therefor and the apportionment of costs thereon.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Chester J. Holsclaw, Chairman of the Committee on Ways and Means, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 216. AN ACT relating to alleged mental incompetents.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Clarence J. Barnum, Chairman of the Committee on Cities of the First Class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 265. AN ACT to facilitate vehicular traffic in the Comonwealth of Kentucky by providing for the construction, maintenance, repair and operation of bridges, providing for the creation of bridge commissions in cities of the first class etc.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 228. AN ACT relating to Workmen's Compensation.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 274. AN ACT relating to the office of Receiver of the circuit court in a county containing a population of 300,000 or over and providing for the payment of such officer's compensation in case the fees of the office are not sufficient to meet his salary.

With the expression of opinion that same should pass.

Whereupon said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 277. AN ACT relating to taxes on the production of crude petroleum, and particularly in respect of penalties relating thereto.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Clavert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 279. AN ACT relating to the practice of chiropody.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 223. AN ACT to further regulate motor trucks, semi-trailer trucks, and trailers, clarifying and enlarging the powers of the Commissioner of Highways and the county judges relating thereto, and amending KRS 189.280.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 189.280 is hereby amended to read as follows:

(1) KRS 189.221 to 189.230, 189.280 and 189.490 shall not apply to motor trucks, semi-trailer trucks or trailers owned

by the United States, the Commonwealth of Kentucky, or any agency of them, any county or city.

(2) If any motor truck, semi-trailer truck or trailer is licensed by a city pursuant to KRS 186.270, and the registration plate issued as evidence of the license is conspicuously exhibited on the motor truck, semi-trailer truck or trailer in the manner required by ordinance, or if by reason of KRS 281.570(2) any such motor vehicle is exempt from the imposition of a license tax, KRS 189.221, 189.222, and 189.490 shall not apply thereto, within the limits of the city issuing the license, or within fifteen miles of the limits of the city, if it is a city of the first, second, third or fourth class, or within five miles of its limits if it is a city of the fifth or sixth class, except on such state-maintained highways or portions thereof, including connecting-link streets, as may be designated by the Commissioner of Highways, and on such county highways as may be designated by the County Judge.

(3) Except as provided in KRS 176.046, cities may, by ordinance, provide maximum limits with respect to the weight, height, width, and length of motor trucks, semitrailer trucks and trailers, within their respective boundaries, not less, however, than the maximum limits prescribed in KRS 189.221 and 189.222, and may authorize the operation of trailers.

With Committee amendment thereto, which are as follows, viz:

(2) If any motor truck, semi-trailer truck, or trailer is lawfully licensed by a city pursuant to KRS 186.270, then KRS 189.221, 189.222, and 189.490 shall not apply thereto, within the limits of the city issuing the license, or within fifteen miels of the limits of the city, if it is a city of the first, second, third, or fourth class, or within five miles of its limits if it is a city of the fifth or sixth class, except on such State-maintained highways or portions thereof, including connecting-link streets, as may be designated by the Commissioner of Highways, and on such county highways as may be designated by the County Judge; provided, however, that in no case shall any vehicle exceed the weight and size limitations established by the city ordinance when those limitations are less stringent than those

provided in the aforementioned sections of the Statutes. For the purposes of this Subsection vehicles exempt from the imposition of a city license tax by reason by KRS 281.830(2) shall be entitled to the same exemptions as those so licensed.

With the expression of opinion that same should pass with committee amendments.

Whereupon said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, r eported a bill of the following title, viz:

H. B. No. 276. AN ACT relating to income taxation.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, r eported a bill of the following title, viz:

H. B. No. 278. AN ACT relating to the bank night awards tax.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, r eported a bill of the following title, viz:

H. B. No. 288. AN ACT amending Section 104.390 of the Kentucky Revised Statutes relating to the State Flood Control and Water Usage Board.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, r eported a b ill of the following title, viz:

H. B. No. 289. AN ACT amending Section 146.090 of the Kentucky Revised Statutes relating to the Soil and Water Resources Commission.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 271. AN ACT relating to the taxation of special fuels.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 275. AN ACT relating to the excise tax on gasoline.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 84. AN ACT amending Section 271.445 of the Kentucpy Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. William W. Blanton, Chairman of the Committee on Judiciary and Judicial Council, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 21. AN ACT relating to the time for holding sessions of circuit court in the thirty-seventh Judicial District.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. William W. Blanton, Chairman of the Committee on Judiciary and Judicial Council, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 11. AN ACT to amend Section 23.050, Kentucky Revised Statutes, 1950 Edition, in so far as it relates to the time of holding the terms of the Circuit Courts in the 36th Judicial District, composing the counties of Knott and Magoffin.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. William W. Blanton, Chairman of the Committee on Judiciary and Judicial Council, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 45. AN ACT relating to the time of holding the regular terms of court for the eighth circuit court district, composed of Allen and Warren Counties.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Carl J. Ruh, Chairman of the Committee onCities of the Second Class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 269. AN ACT relating to police courts in cities of the second class.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. William T. Wathen, Chairman of the Committee on Cities of the Fourth Class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 6. AN ACT to repeal, amend and re-enact section 95.768 Kentucky Revised Statutes, 1946 Edition, providing for the establishment of a police and firemen's pension fund in cities of the fourth class etc.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Louis T. Peniston, Chairman of the Committee on Courts and Legal Procedure, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 222. AN ACT relating to alimony and divorce actions, amending and re-enacting section 423 of Carrolls Code of Civil Practice.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Louis T. Peniston, Chairman of the Committee on Courts and Legal Procedure, to which s ame had been previously referred, reported a bill of the following title, viz:

H. B. 268. AN ACT relating to compensation of jurors.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Louis T. Peniston, Chairman of the Committee on Courts and Legal Procedure, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 121. AN ACT concerning newspaper advertisements of execution and judicial sales.

With the expression of opinion that same should not pass.

No motion having been made to give said bill a first reading, the report of the Committee to the contrary notwithstanding, said bill was ordered not read the first time.

So said bill was rejected.

CALENDARY

The House took up for consideration from the Calendar, House Bills and a Senate Bill of the following titles, viz:

H. B. No. 226. AN ACT further empowering the Commisisoner of Highways to establish certain highways through fourth, fifth, and sixth class cities.

H. B. No. 230. AN ACT relating to the use of certain funds for the acquisition of space for the division of unemployment insurance and the Department of Economic Security: Amending KRS 341.245.

H. B. No. 20. AN ACT relating to district detectives.

H. B. No. 224. AN ACT relating to child labor.

H. B. No. 227. AN ACT relating to the Department of Welfare, amending Section 439.100 of the Kentucky Revised Statutes.

H. B. No. 229. AN ACT concerning clay mining.

H. B. No. 231. AN ACT relating to the selection and adoption of textbooks for use in public schools.

S. B. No. 40. AN ACT changing the classification of the City of Jeffersontown, in Jefferson County.

H. B. No. 87. AN ACT authorizing water districts to acquire, develop, maintain and operate gas systems.

H. B. No. 212. AN ACT relating to rabies control, livestock and dog protection.

REPORT OF ENROLLMENT COMMITTEE

Mr. Henry on the Committee on Enrollment to which the same had been referred, reported that they had examined and found to be correctly enrolled, a bill of the following title, viz:

S. B. No. 17. AN ACT abolishing the position of deputy constable, except in counties containing a city of the first or second class.

Thereupon, all other business was suspended. said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the Enrolling Clerk of this House deliver said bill to the Senate.

ORDERS OF THE DAY

The House took up from the Orders of the Day, a bill of the following title, viz:

H. B. No. 145. AN ACT relating to unemployment insurance and amending KRS 341.030 (5), (6) and (7); KRS 341.090 (3); KRS 341.145; KRS 341.200; KRS 341.230; KRS 341.260; KRS 341.270; KRS 341.300; KRS 341.310; KRS 341.370 (4) and (5) KRS 341.380; KRS 341.390; KRS 341.420 (3); KRS 341.540; and KRS 341.990 (5).

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That subsection (5) of Section 341.030 of the Kentucky Revised Statutes is amended to read as follows:

(5) "Wages" does not include the amount of any payment made by an employing unit without deduction from the remuneration of the worker of the tax imposed under Section 1400 of the Federal Internal Revenue Code.

Section 2. That subsection (6) of Section 341.030 of the Kentucky Revised Statutes is amended to read as follows:

(6) "Wages" does not include any dismissal payments which an employing unit is not legally required to make unless such payments are subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund.

Section 3. That subsection (7) of Section 341.030 of the Kentucky Revised Statutes is amended to read as follows:

(7) "Wages" does not, for the purposes of KRS 341.260 to 341.290, include that part of remuneration which, after wages equal to three thousand dollars have been paid to a worker by a subject employer with respect to covered employment during any calendar year, is paid to such worker by such subject employer with respect to covered employment during such calendar year, unless that part of the remuneration is subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund. For the purpose of this subsection wages paid to a worker by a predecessor subject employer shall be considered as having been paid by its successor.

Section 4. That subsection (3) of Section 341.090 of the Kentucky Revised Statutes is amended to read as follows:

(3) "Base-period wages" means the wages paid to a worker during his base period by subject employers for covered employment. The Commissioner may, with respect to this subsection, consider wages payable to mean wages paid in order to prevent inequities in particular cases.

Section 5. That Section 341.145 of the Kentucky Revised Statutes is amended to read as follows:

341.145 RECIPROCAL ARRANGEMENTS. (1) The Commissioner may enter into administrative arrangements with the agencies of other states or the Federal Government similarly charged with the administration of unemployment compensation laws, for the purpose of assisting the Commissioner and such agencies in the payment of benefits under the several laws.

Such arrangements may provide that the respective agencies shall, for and on behalf of each other, act as agents in effecting registrations for work, notices of unemployment, and any other certifications or statements relating to a worker's claim for benefits; in making investigation, taking depositions, holding hearings, or otherwise securing information relating to benefit eligibility and payments; and in such other matters as the Commissioner considers suitable in effectuating the purpose of these administrative arrangements.

(2) The Commissioner may enter into arrangements with the appropriate agencies of other states or the Federal Government whereby workers performing services in this and other states for a single employing unit under circumstances not specificially provided in KRS 341.050, or under similar provisions in the unemployment compensation laws of such other states, shall be deemed to be engaged in employment performed entirely within this state or within one of such other states.

(3) (a) Any provisions of this chapter to the contrary notwithstanding, the Commissioner is hereby authorized to enter into reciprocal arrangements with duly authorized agencies of other states or of the Federal Government, or both, whereby workers with potential rights to benefits in this and another state or other states or the Federal Government may have such rights determined upon the basis of his combined potential rights in such jurisdictions. Benefits, based upon such combined potential rights, may be paid either under provisions of this chapter or under the provisions of the law of another state or the Federal Government, or under such combination of provisions of both laws as may be agreed upon as being fair and reasonable to all affected interests. No such an arrangement shall be entered into unless each agency entering into such arrangement shall agree to reimburse the fund of the other agency to the extent of the liability incurred under terms of the arrangement. Reimbursements to another state or the Federal Government, paid from the fund pursuant to this subsection, shall be deemed to be benefits for the purposes of this chapter and charged to employers' reserve accounts in accordance with the provisions of subsections (2) and (3) of KRS 341.530 to the extent of calcula-

tions made on wages paid during the base period established by KRS 341.090 and wages paid after such base period; provided, however, benefits based on a period previous to the base-wage period established by KRS 341.090 shall be charged to the pooled account.

(b) In order that such reciprocal arrangements, when entered into, may be effectuated, wages for insured work under an employment security law of another state or of the Federal Government shall be deemed to be wages earned in covered employment from a subject employer for the purpose of determining his benefits under this chapter.

Section 6. This Section 341.200 of the Kentucky Revised Statutes is amended to read as follows:

341.200 POWER TO HEAR WITNESSES, ISSUE SUBPOENAS AND TO SERVE PROCESS. (1) In the discharge of the duties imposed by this chapter members of the Commission, the Commissioner or any duly authorized representative thereof, may administer oaths and affirmations, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda and other records considered necessary and relevant as evidence in connection with the administration of this chapter. Such subpoena shall be served in the same manner as a subpoena issued out of a circuit court and the sheriff shall receive the same fee as provided by law for like service in civil actions. Witnesses subpoenaed shall be allowed witnesses' fees according to the rates prescribed by KRS 421.010 for each day their attendance is actually required at a hearing.

(2) The Commissioner or any authorized representative of the Commissioner shall have the power, in any and all counties of this Commonwealth, now granted by law to sheriffs within their respective jurisdictions, to execute and make due return of all notices, summonses, including summonses duces tecum, subpoenas, and executions in respect to all court actions instituted to enforce the provisions of this chapter. Neither the Commissioner nor his authorized representative shall be deemed to be an interested party in the action by reason of his official or representative capacity.

Section 6. That Section 341.200 of the Kentucky Revised Statutes is amended to read as follows:

341.230 DESTRUCTION OF RECORDS. The Commissioner may authorize the destruction of such original reports and records as have been properly recorded and summarized in the permanent records of the Bureau of Employment Security or are no longer considered necessary for the proper administration of this chapter. Wage records of the individual worker or transcripts thereof may be destroyed or disposed of two years after the expiration of the period covered by them or upon proof of death of the worker. Such destruction or disposition shall be made only by order of the Commissioner. Any money received from the disposition of such records shall be deposited to the credit of the Unemployment Compensation Administration Fund.

Section 8. That Section 341.260 of the Kentucky Revised Statutes is amended to read as follows:

341.260 PAYMENT OF CONTRIBUTIONS BY EMPLOYER. (1) Contributions shall accrue and become payable by each subject employer for each calendar year in which he is subject to this chapter. Such contributions shall be based upon wages paid during such calendar year for covered employment. Such contributions shall become due and be paid at the offices of the Division in Frankfort by each subject employer to the Division for the fund in accordance with such regulations as the Commission prescribes, and shall not be deducted in whole or in part from the wages of workers in his employ. In the payment of any contributions, a fractional part of a cent shall be disregarded, unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(2) If any employer fails to file reports when due, or files an incorrect or insufficient report, the Commissioner may after an investigation, determine such employer's liability and assess the contributions due on the basis of an estimate of such employer's payroll, and shall give written notice of such assessment to such employer. Such determination or assessment shall become final twenty days after such notice was mailed to the employer's last known address unless an appeal is initiated under KRS 341.430. After such determination or assessment shall

have become final as herein provided, it shall be received in evidence in all courts of this Commonwealth as conclusive of the amount owing the Commonwealth in respect to the claim or claims concerning which the determination shall have been made.

Section 9. That Section 341.270 of the Kentucky Revised Statutes is amended to read as follows:

341.270. DETERMINATION OF EMPLOYER'S CONTRIBUTION RATE. (1) Each subject employer's contribution rate shall be two and seven-tenths percent except as otherwise provided in this section.

(2) For each calendar year the rate applicable to each subject employer shall be two and seven-tenths per cent unless contributions were payable to his account with respect to the three consecutive years immediately preceding the computation date, and no subject employer's rate shall be less than two and seven-tenths percent unless funds were available throughout the preceding year, from which benefits could have been paid from his account, to any worker in his employ who became unemployed and eligible.

(3) For each calendar year each subject employer's rate shall, except as provided in KRS 341.560, be determined upon the basis of his actual experience in the payment of contributions paid and credited to his reserve account and with respect to benefits charged against that account. If, as of the computation date, the balance of that account equals or exceeds five times the largest amount of benefits charged against it within any one of the three years last preceding the computation date, his contribution rate shall be:

(a) One and eight-tenths percent if such balance equals or exceeds three and thirty-three one-hunderdths per cent but is less than four and eighteen one-hundredths percent of that part of the payroll or payrolls by which contributions to that account were measured for the thirty-six months last preceding the computation date.

(b) Nine-tenths of one percent if such balance equals or exceeds four and eighteen one-hundredths perecent but is less

than five percent of that part of the payroll or payrolls by which contributions to that account were measured for the thirty-six months last preceding the computation date;

(c) Zero if such balance equals or exceeds five percent of that part of the payroll or payrolls by which contributions to that account were measured for the thirty-six months last preceding compution date;

(d) Three and seven-tenths percent, if the employer's reserve account was credited with any sums under the provision of subsection (2) of KRS 341.550 and as further provided in subsection (5) of this section as of the computation date.

(4) The Commission may by regulation prescribe the computation date for determining rates applicable to any calendar year. "Computation date" means the date, occurring at least once in each calendar year and within twenty-seven weeks prior to the effective date of new rates of contributions, as of which those rates are computed.

(5) "Balance" as used in this section and KRS 341.530 to 341.560 means the total of all contributions paid and credited to a reserve account plus the total of all benefits charged in accordance with subsections (2) of KRS 341.550, against the pooled account because of the exhaustion, as of a computation date, of such reserve account less the total of all benefits charged against that reserve account.

Section 10. That Section 341.300 of the Kentucky Revised Statutes is amended to read as follows:

341.300 PENALTY ON UNPAID CONTRIBUTIONS; COLLECTION. (1) Contributions unpaid on the date on which they are due and payable, as prescribed by the Commission, shall be subject to a penalty at the rate of one percent per month or fraction thereof from and after such date until payment is received by the Division, irrespective of whether such delinquency has been reduced to a judgment or not as provided in subsection (2) of this section. These penalties shall be paid into the Unemployment Compensation Contingent Fund.

(2) If, after due notice, any subject employer defaults in

any payment of contributions or penalties thereon, the amount due shall be collected by a civil action instituted in the Franklin Circuit Court in the name of the state, and the subject employer adjudged in default shall pay the costs of the action. Civil actions brought under this section shall be heard by the court, without the intervention of a jury, at the earliest possible date, and shall be entitled to preference upon the calendar of the court over all other civil actions except petitions for judicial review under this chapter and cases arising under the Workmen's Compensation Law.

(3) At or after the commencement of an action under subsection (2) of this section attachment may be had against the property of the liable subject employer for such contributions and penalties without the execution of a bond, or after judgment has been entered an execution may be issued against the property of such employer without the execution of a bond.

(4) An action for the recovery of contributions or penalties under this section shall be barred and any lien therefor shall be canceled and extinguished unless collected or suit for collection has been filed within five years from the due date of such contributions, except in the case of the filing of a false or fraudulent report the contributions due shall not be barred and may at any time be collected by the methods set out in this chapter, including action in a court of competent jurisdiction.

Section 11. That Section 341.310 of the Kentucky Revised Statutes is amended to read as follows:

341.310 LIEN ON EMPLOYER'S PROPERTY FOR CONTRIBUTIONS. (1) A lien on a parity with state, county, and municipal ad valorem tax liens, and superior to the lien of any mortgage or other encumbrance heretofore or hereafter created is hereby created in favor of the Division upon all property of any subject employer from whom contributions, interest or penalties are or may hereafter become due. This lien shall be for a sum equal to the amount at any time due from each subject employer to the Division on account of contributions, interest and penalties thereon. The lien shall commence from such time as the contributions, interest or penalties become due.

(2) The Commissioner may file notice of this lien with the county court clerk of any county where the subject employer has property, giving the name of the subject employer, his address, and the amount of the lien. The clerk shall file same in the same manner as his lis pendens are filed. The files shall be designated "Miscellaneous State Tax Liens." The notice, when so filed, shall be conclusive notice to all persons of the lien on the property having legal situs in that county, except that nothing in this chapter shall be construed to alter or change in any way the law relative to the rights and duties of a holder in due course as provided in KRS Chapter 356, or affect the rights of any person taking the property or a lien thereon for value without actual or constructive notice. The clerk shall be entitled to a fee of $1.25 for filing the lien, and said fee shall become a part of the lien as an added cost of the delinquent subject employer to be paid by him as a part of the amount necessary to release the lien, and in no event shall the Commonwealth, the Department or the Division be required to pay same.

(3) In addition and as an alternative to any other remedy, the Commissioner may enforce the lien by petition in the name of this state to the circuit court of Franklin County, if the ministerial acts necessary to enforce the lien by the sale of the liened property or any part of it are performed by the appropriate officers of the circuit court of the county in which the property is situated under the direction of and reporting to the Franklin Circuit Court. The manner of enforcement shall be the same as that provided for the enforcement of other tax liens.

(4) (a) The Commissioner shall have the power to issue a certificate of partial release of any part of the property subject to the lien if he finds that the fair market value of that part of such property remaining subject to the lien is at least equal to the amount of all other liens upon such property plus double the amount of the liability for contributions, interest and penalties thereon remaining unsatisfied.

(b) The Commissioner may also issue a certificate of release of lien upon the furnishing of a corporate surety bond satisfactory to the Commissioner by such employing unit in the amount of one hundred and twenty-five (125) percent of the sum

of such contribution, interest and penalty, for which lien is claimed, conditioned upon the prompt payment of such contribution, together with interest and penalty thereon, by such employing unit to the Division in accordance with the provisions set forth in such bond.

Section 12. That subsection (4) of Section 341.370 of the Kentucky Revised Statutes is amended to read as follows:

(4) No worker shall be disqualified under paragraph (b) or (c) of subsection (1) or subsection (2) of this section unless the employer, within a reasonable time as prescribed by commission regulation, notifies the Division and the worker in writing of the alleged voluntary quitting or the discharge for misconduct; provided, however, that nothing in this subsection shall restrict the right of the Commissioner to disqualify a worker whose employer has refused or failed to notify the Division of the alleged voluntary quitting or discharge for misconduct if such alleged voluntary quitting or discharge for misconduct is known to the Commissioner prior to the time benefits are paid to such worker; provided further, that the exercise of such right by the Commissioner, in the absence of timely notice from the emplover, shall not relieve the employer's reserve account of benefit charges under the provisions of KRS 341.530 (3).

Section 13. That subsection (5) of Section 341.370 of the Kentucky Revised Statutes is amended to read as follows:

(5) As used in this subsection and in subsection (3) of KRS 341.530, "most recent" work shall be construed as that work which occurred after the first day of the worker's base period and which last preceded the week of unemployment with respect to which benefits are claimed; execept that, if the work last preceding such week of unemployment was intermittent or temporary in nature, most recent work may be construed as the work last preceding such intermittent or temporary work.

Section 14. That Section 341.380 of the Kentucky Revised Statutes is amended to read as follows:

341.380. PAYMENT OF BENEFITS; AMOUNT. (1) All benefits shall be paid through employment offices, or such other agencies designated by regulations of the Commission. Claims

for all payments of benefits shall be made in accordance with regulations of the Commission.

(2) Benefits payable to an eligible worker, whose benefit years begins on or after April 1, 1952, for weeks of unemployment shall, except as provided in KRS 341.390, be at the benefit rate in Column "C" of Table "A" which appears on the same line with the "Base-Period Wages" of the worker as shown in Column "B" of the same table.

(3) The maximum amount of benefits payable to any worker within any benefit year shall be the amount in Column "D" of Table "A" which appears on the same line with "Base-Period Wages" of such worker as shown in Column "B" of the same table.

TABLE A

WAGE CLASS (A)	BASE-PERIOD WAGES (B)	BENEFIT RATE (C)	MAXIMUM AMOUNT (D)
0	Less than $300.00	$ 0.00	$ 0.00
1	$ 300.00— 324.99	8.00	208.00
2	325.00— 349.99	9.00	234.00
3	350.00— 399.99	10.00	260.00
4	400.00— 449.99	11.00	286.00
5	450.00— 499.99	12.00	312.00
6	500.00— 549.99	13.00	338.00
7	550.00— 624.99	14.00	364.00
8	625.00— 699.99	15.00	390.00
9	700.00— 774.99	16.00	416.00
10	775.00— 849.99	17.00	442.00
11	850.00— 949.99	18.00	468.00
12	950.00— 1,049.00	19.00	494.00
13	1,050.00— 1,149.99	20.00	520.00
14	1,150.00— 1,299.99	21.00	546.00
15	1,300.00— 1,449.99	22.00	572.00
16	1,450.00— 1,599.99	23.00	598.00
17	1,600.00— 1,749.99	24.00	624.00
18	1,750.00— 1,899.99	25.00	650.00
19	1,900.00— 2,099.99	26.00	676.00
20	2,100.00— 2,299.99	27.00	702.00
21	2,300.00 or over	28.00	728.00

Section 15. That Section 341.390 of the Kentucky Revised Statutes is amended to read as follows:

341.390 DEDUCTIONS FROM BENEFITS. There shall be deducted from the benefit rate determined for a worker in accordance with subsection (2) of KRS 341.380:

(1) Eighty per cent, adjusted to the nearest multiple of one dollar, of the amount of wages earned by such worker during the week of unemployment with respect to which he claims benefits and

(2) The amonut of remuneration which the worker has received or is receiving with respect to such week of unemployment (adjusted to the nearest multiple of one dollar) in the form of remuneration in lieu of notice. For the purpose of this section wages that could have been earned by the claimant from available, suitable work which he failed or refused to accept shall be considered as "wages earned" for the purpose of determining the amount of benefits payable to the worker for that particular week of unemployment.

Section 16. That subsection (3) of Section 341.420 of the Kentucky Revised Statutes is amended to read as follows:

(3) If benefits are allowed by a determination but the record of the case indicates that a disqualification under KRS 341.360 or 341.370 has been alleged, or may exist, benefits shall not be paid prior to the expiration of the period for appeal as provided in subsection (2) of this section. No benefits may be paid during any time that an appeal is pending or prior to the expiration of the period for appeal, except that, if a referee affirms a determination allowing benefits, they shall be paid until or unless the decision of the referee is reversed by the Commission. If benefits are paid pursuant to a decision of the referee that is finally reversed in any subsequent proceedings with respect thereto, no employer's account shall be charged with benefits so paid, but such benefits shall be permanently charged against the pooled account and shall not be considered as an overpayment to the claimant.

Section 17. That Section 341.540 of the Kentucky Revised Statutes is amended to read as follows:

341.540 RESERVE ACCOUNTS OF SUCCESSIVE EMPLOYERS. (1) If a subject employer shall transfer or otherwise reorganze his entire organization, trade or business, the successor in interest is hereby required to assume the resources and liabilities of such employer's reserve account and to continue the payment of all contributions due under this chapter, except that the successor in interest shall not be required to assume the liability of any delinquent contributions of his predecessor or predecessors unless the Division notifies him of such delinquency within six months after the Division has notice of the transfer of ownership.

(2) The liability for delinquent contributions imposed upon the successor in interest by subsection (1) of this section shall be secondary to the liability of his predecessor or predecessors and if the delinquency has been reduced to judgment the order of execution on such judgment shall be as follows:

(a) Against the assets, both real and personal, of the predecessor or predecessors;

(b) Against the assets, both real and personal, of the business transferred; and

(c) Against the assets, both real and personal, of the successor in interest.

(3) Notwithstanding the provision of subsection (1), any employing unit which acquires a portion of the organization, trade or business from an employer for whom a reserve account has been maintained by the Division, and who is, or by reason of such acquisition becomes, a subject employer, shall assume the position of such employer with respect to the resources and liabilities of such reserve account in proportion to the extent of such acquisition as agreed upon by the parties in interest and approved by the Commission, and the taxable payrolls benefit charges and the potential benefit charges shall likewise be assumed by the successors in interest in a like proportion.

(4) The contribution rate of a successor employing unit, whether in whole or in part, which was a subject employer at the time of such succession, shall not be affected by the transfer until the next computation date. The contribution rate of a

successor employing unit which was not a subject employer prior to such succession, shall be the same as its predecessor, unless the successorship was in part only, in which event its contribution rate shall be two and seven-tenths percent until the next computation date.

Section 18. That subsection (5) of Section 341.990 of the Kentucky Revised Statutes is amended to read as follows:

(5) Any person who knowingly makes a false statement or representation of a material fact or knowingly fails to disclose a material fact to the Commissioner to obtain or increase any benefit under this chapter or under an employment security law of any other state, or of the Federal Government, either for himself or for any other person, shall be fined not less than ten dollars nor more than fitfty dollars or imprisoned for not more than thirty days, or both. Each false statement or representation or failure shall constitute a separate offense.

Section 19. DECLARATION OF AN EMERGENCY.

Whereas, this Act contains provisions necessary to conform with certain amendments to the Federal Unemployment Tax Act and others which must be put into effect on April 1, 1952, an emergency hereby is declared to exist and this Act shall become effective upon its passage and approval by the Governor; except as to the amendment herein to KRS 341.270 which shall become effective January 1, 1953.

Mr. Lowman of the Committee to which said bill had been referred, offered the following amendment to said bill, viz:

Amendment No. 1. Amend printed copy of H. B. No. 145 on page 8, section 9, line 40 by deleting the entire line and substituting in lieu thereof the following:

"(d) Three and two-tenths percent for the calendar year 1953 and three and seven-tenths percent for each calendar year thereafter, if the employer's re-"

Said motion was agreed to.

Said amendment was adopted.

Mr. Lowman of the Committee to which said bill had been referred, offered the following amendment to said bill, viz:

Amendment No. 2. Amend printed copy of H. B. No. 145 on page 8, line 39, by inserting the word "the" before the word "computation."

Said motion was agreed to.

Said amendment was adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "shall the Main Question be now put?"

Ordered that said bill be engrossed and read at length for the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Thomas L. Britton	Jack Early
Dr. John Adkins, Jr.	Mrs.MaryE.Burnete	Harold Edwards
Henry Arrowood	Alex H. Calvert	William Engle
J. Everett Bach	Walter J. Chyle, Jr.	Roscoe Estep
Sidney Baer	Lewis W. Combest	Herbert Fern
John Rhea Banton	Marvin A. Cornett	Wm. P. Friedlander
Clarence J. Barnum	R. Josh Cosby	Leslie Gay
Owen Billington	Charles M. Crowe	Chas. M. Greene
R. O. Blevins	C. E. Dowell	Henry C. Hale
J. C. Bradley	JamesA.Dressman,Jr.	Eugene B. Hancock
Ed. T. Breathitt	Thomas R. Duncan	George F. Harris
Edward O. Bridgers	R. L. Dunigan	John Head

Farmer Helton	Tom Mobley	Gus F. Sheehan, Jr.
William K. Henry	Robert H. Moore	Dr. B. F. Shields
Thomas D. Hewlett	Fred H. Morgan	John A. Sloan
Henry R. Heyburn	Earl F. Murphy	E. A. Spencer
E. R. Hilton	Thomas J. Murphy	Mrs. Thelma Stovall
Ray Holbrook	Ewin C. Neville	Egbert V. Taylor
Chester J. Holsclaw	Bart N. Peak	Albert Thomason
Paul S. Jonas	Louis T. Peniston	William F. Threlkeld
Jennings Kearby	Hobart Rayburn	Eulick (Mike) Walsh
James W. Lambert	Tipton Reed	Wm. Thos. Wathen
Jesse H. Lawrence	J. F. Robinson	L. M. Weathers
Paul M. Lewis	Earl Rogers	W. W. Webster
Mrs. J. T. Linton	Joe Rouse	Hicks Wells
Harry K. Lowman	Carl J. Ruh	Charles W. Wirsch
William Maglinger	Amos Runyon	Walker H. Wiseman
Shelby McCallum	Cecil Sanders	Garrett L. Withers
Russell L. Meadows	Clem Schroader	

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Those who voted in the negative were—

Wm. W. Blanton	Walter R. Moorman

—2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 198. AN ACT, amending KRS 45.280, relating to petty cash funds of state budget units.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 45.280 of the Kentucky Revised Statutes is amended to read as follows:

"(1) Any budget unit, when provided for by appropriation or when authorized by the Department of Finance, may establish one or more petty cash funds for the purpose of making disbursements requiring prompt cash outlay, and to carry out the provisions of KRS 42.060 (2) applying to the delegation of authority to purchase. The State Treasurer, upon warrants of the Department of Finance based upon a requisition from the head of the budget unit, shall pay to the head of such budget unit the amount necessary to establish such a fund. The custodian designated by the head of the budget unit shall, as often as may be necessary to replenish the fund and at least once each month, file with the Department of Finance a schedule of the disbursements from the fund, accompanied by appropriate vouchers and statements of indebtedness therefor approved by the head of the budget unit, and by a certificate as to the condition of the fund. The amount of the total of the approved voucher shall be paid to the custodian of the fund on the warrant of the Department of Finance, and the amount shall be devoted to reimbursement of the fund. Any question relative to the amount to be allowed in any petty cash fund, the expenditure thereof, the accounting therefor, and the repaymnet thereof to the State Treasurer, shall be determined by the Department of Finance. Each petty cash fund shall lapse with the appropriation on which it is based, but may be reestablished by appropriation for the next ensuing fiscal year or when authorized by the Department of Finance.

(2) Where work is done on public projects by the state through the use of its own personnel or facilities in whole or in part, which work is not subject to the provisions of KRS 42.070, the Budget unit having such work performed may, when authorized by the Department of Finance, establish a petty cash fund for the purpose of defraying the expenses of the proposed project, which fund shall not exceed at any time an amount equal to twenty-five (25%) percent of the anticipated total cost of the project."

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Thomas R. Duncan	Mrs. J. T. Linton
Henry Arrowood	R. L. Dunigan	Harry K. Lowman
J. Everett Bach	Jack Early	William Maglinger
Sidney Baer	Harold Edwards	Shelby McCallum
John Rhea Banton	William Engle	G. Lee McClain
Clarence J. Barnum	Roscoe Estep	Russell L. Meadows
Owen Billington	Herbert Fern	Tom Mobley
Wm. W. Blanton	Wm. P. Friedlander	Robert H. Moore
R. O. Blevins	Chas. M. Greene	Walter R. Moorman
J. C. Bradley	Henry C. Hale	Fred H. Morgan
Ed. T. Breathitt	Eugene B. Hancock	Earl F. Murphy
Edward O. Bridgers	George F. Harris	Thomas J. Murphy
Thomas L. Britton	John Head	Ewin C. Neville
Mrs.MaryE.Burnete	Farmer Helton	Bart N. Peak
Alex H. Calvert	William K. Henry	Louis T. Peniston
Walter J. Chyle, Jr.	Thomas D. Hewlett	Hobart Rayburn
Lewis W. Combest	E. R. Hilton	Tipton Reed
Marvin A. Cornett	Chester J. Holsclaw	J. F. Robinson
R. Josh Cosby	William M. Horn	Joe Rouse
Charles M. Crowe	Jennings Kearby	Carl J. Ruh
C. E. Dowell	Jesse H. Lawrence	Amos Runyon
JamesA.Dressman,Jr.	Paul M. Lewis	Cecil Sanders

Clem Schroader	Albert Thomason	Hicks Wells
Gus F. Sheehan, Jr.	William F. Threlkeld	W.A.(Pete)Wickliffe
Dr. B. F. Shields	Eulick (Mike) Walsh	Charles W. Wirsch
Mrs. Thelma Stovall	Wm. Thos. Wathen	Walker H. Wiseman
E. H. (Ted) Stumbo	L. M. Weathers	Garrett L. Withers
Egbert V. Taylor	W. W. Webster	

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Those who voted in the negative were—

Leslie Gay	Earl Rogers

—2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 196. AN ACT, relating to public printing, amending Sections 57.045, 57.060, 57.090, 57.180 and 57.250 and repealing Sections 57.080 and 57.260 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 57.045 of the Kentucky Revised Statutes is amended to read as follows:

"Any state educational institution that has an established printing plant therein for the instruction of students in printing may produce printing of any class for use by the institution but not for any outside agency. The rates charged for this printing shall not be in excess of rates established in current contracts by KRS 57.070."

Section 2. Section 57.060 of the Kentucky Revised Statutes is amended to read as follows:

"(1) The paper, necessary for state printing and binding of the first class, except materials for half binding, shall be furnished and paid for by the state. The Department of Finance shall, upon requisition of the contractor made from time to time, as the work requires, deliver to the contractor suitable paper. The Department of Finance shall take from the contractor and preserve a receipt for all paper so delivered. At the annual settlement on the first Monday in January the contractor shall report to the Department of Finance all paper so furnished that has not been used in the state printing and binding.

(2) Paper and supplies necessary for state printing and binding of the second class shall be furnished and paid for by the contractor.

(3) No contractor shall waste or convert to another use any paper furnished to him under sub-section (1) of this section."

Section 3. Section 57.080 of the Kentucky Revised Statutes is repealed.

Section 4. Section 57.090 of the Kentucky Revised Statutes is amended to read:

"The bids shal lbe sealed, addressed and delivered to the Division of Purchases, and shall be endorsed "Proposals for the Public Printing and Binding and Furnishing Stationery." The division shall carefully keep them until they are opened according to KRS 57.110.

Section 5. Section 57.180 of the Kentucky Revised Statutes is amended to read:

"The contractor for printing and binding of the first class shall promptly execute all orders of the General Assembly, or either house thereof, for printing, and all contractors under this chapter shall promptly execute all orders issued to them by the General Assembly, or either house thereof, or by any state executive officer. The Acts and the journals of the two houses of the General Assembly shall be printed and bound, and delivered respectively within sixty days and one hundred eighty days after the end of the session to the State Librarian for distribution, under the penalty of forfeiture of the bond of the contractor.

Printed signatures of the journals of each day's proceedings of each house of the General Assembly shall be printed for the use of the members thereof immediately after the copy is furnished to the contractor by the clerk of each house. The Department of Finance may, on good cause shown by the contractor, extend the time for not more than thirty days for executing any work, except the printed signatures of the journals."

Section 6. Section 57.250 of the Kentucky Revised Statutes is amended to read:

"Maximum rates for binding (including sewing) shall be as follows:

(1) For paper covers, including composition, presswork and putting on books, documents and publications, for one hundred copies, two dollars and fifty cents.

(2) For half binding with leather back and paper sides and titles lettered with gold leaf, per volume, one dollar.

(3) For full binding, per volume:

(a) Law skiver binding, one dollar and eighty cents.

(b) Law sheep binding, two dollars and forty cents.

(c) Law calf binding, three dollars.

(4) For cloth or buckram binding with plain, gilded lettering or embossed lettering on sides or backs, per volume, one dollar.

(5) The words "public property", "property of the state", "state Library", or the like shall be put in and on books without extra charge."

Section 7. Sections 57.080 and 57.260 of the Kentucky Revised Statutes are repealed.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Chas. M. Greene	Louis T. Peniston
Henry Arrowood	Henry C. Hale	Hobart Rayburn
Sidney Baer	Eugene B. Hancock	Tipton Reed
John Rhea Banton	George F. Harris	J. F. Robinson
Clarence J. Barnum	Farmer Helton	Joe Rouse
Owen Billington	William K. Henry	Carl J. Ruh
R. O. Blevins	Thomas D. Hewlett	Amos Runyon
J. C. Bradley	E. R. Hilton	Cecil Sanders
Ed. T. Breathitt	Ray Holbrook	Clem Schroader
Edward O. Bridgers	Chester J. Holsclaw	Gus F. Sheehan, Jr.
Thomas L. Britton	William M. Horn	Dr. B. F. Shields
Mrs.MaryE.Burnete	Paul S. Jonas	John A. Sloan
Alex H. Calvert	Jennings Kearby	Mrs. Thelma Stovall
Walter J. Chyle, Jr.	Paul M. Lewis	E. H. (Ted) Stumbo
Lewis W. Combest	Mrs. J. T. Linton	Egbert V. Taylor
Marvin A. Cornett	Harry K. Lowman	Albert Thomason
R. Josh Cosby	Shelby McCallum	William F. Threlkeld
C. E. Dowell	G. Lee McClain	Eulick (Mike) Walsh
JamesA.Dressman,Jr.	Tom Mobley	Wm. Thos. Wathen
Thomas R. Duncan	Robert H. Moore	L. M. Weathers
Jack Early	Walter R. Moorman	W. W. Webster
Harold Edwards	Fred H. Morgan	Hicks Wells
William Engle	Thomas J. Murphy	W.A.(Pete)Wickliffe
Herbert Fern	Ewin C. Neville	Garrett L. Withers
Wm. P. Friedlander		

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Those who voted in the negative were—

Charles M. Crowe	Leslie Gay	Earl Rogers
R. L. Dunigan	Bart N. Peak	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 204. AN ACT relating to the acquisition of industrial buildings and equipment by cities, amending section 103.200 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 103.200 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 103.200 to 103.280, "industrial buildings" or "building" means any building or structure suitable for and intended for use as a factory, mill, shop, processing plant, assembly plant or fabricating plant, and/or the necessary operating machinery and equipment, to be rented or leased to an industrial concern by the city by which it is acquired.

Mr. Morgan moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Wm. P. Friedlander	Bart N. Peak
Dr. John Adkins, Jr.	Leslie Gay	Louis T. Peniston
Henry Arrowood	Chas. M. Greene	Hobart Rayburn
J. Everett Bach	Eugene B. Hancock	Tipton Reed
Sidney Baer	George F. Harris	J. F. Robinson
Clarence J. Barnum	John Head	Earl Rogers
Owen Billington	Farmer Helton	Joe Rouse
Wm. W. Blanton	William K. Henry	Carl J. Ruh
R. O. Blevins	Thomas D. Hewlett	Amos Runyon
J. C. Bradley	E. R. Hilton	Cecil Sanders
Ed. T. Breathitt	Chester J. Holsclaw	Clem Schroader
Edward O. Bridgers	William M. Horn	Gus F. Sheehan, Jr.
Thomas L. Britton	Paul S. Jonas	Dr. B. F. Shields
Mrs.MaryE.Burnete	Jennings Kearby	John A. Sloan
Alex H. Calvert	James W. Lambert	Mrs. Thelma Stovall
Walter J. Chyle, Jr.	Paul M. Lewis	E. H. (Ted) Stumbo
Lewis W. Combest	Mrs. J. T. Linton	Egbert V. Taylor
Marvin A. Cornett	Harry K. Lowman	Albert Thomason
R. Josh Cosby	William Maglinger	William F. Threlkeld
Charles M. Crowe	Shelby McCallum	Eulick (Mike) Walsh
C. E. Dowell	G. Lee McClain	Wm.ThomasWathen
JamesA.Dressman,Jr.	Tom Mobley	L. M. Weathers
Thomas R. Duncan	Robert H. Moore	W. W. Webster
R. L. Dunigan	Walter R. Moorman	Hicks Wells
Jack Early	Fred H. Morgan	W.A.(Pete)Wickliffe
Harold Edwards	Earl F. Murphy	Charles W. Wirsch
William Engle	Thomas J. Murphy	Walker H. Wiseman
Roscoe Estep	Ewin C. Neville	Garrett L. Withers
Herbert Fern		—85

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 205. AN ACT relating to compensation of county officers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Notwithstanding any of the provisions of KRS 64.480 to 64.760, and notwithstanding any action or non-action of a fiscal court contemplated by or referred to in those statutes, any county officer in a county having a population of less than 75,000, who was elected at the regular November election in 1949, and who is compensated wholly or in part from fees, shall receive as compensation, if the sources of the compensation are adequate for that purpose, a maximum of $7,200 per year for such years, of the term for which he was elected in 1949, as have not expired at the time this Act takes effect. If the sources of the compensation are not adequate to allow the maximum, the officer shall receive whatever amount is available.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Chas. M. Greene	Ewin C. Neville
Henry Arrowood	Eugene B. Hancock	Bart N. Peak
J. Everett Bach	George F. Harris	Louis T. Peniston
Sidney Baer	John Head	Hobart Rayburn
John Rhea Banton	Farmer Helton	Tipton Reed
Clarence J. Barnum	William K. Henry	Joe Rouse
Owen Billington	Thomas D. Hewlett	Carl J. Ruh
Wm. W. Blanton	Henry R. Heyburn	Amos Runyon
R. O. Blevins	E. R. Hilton	Cecil Sanders
J. C. Bradley	Chester J. Holsclaw	Clem Schroader
Ed. T. Breathitt	William M. Horn	Gus F. Sheehan, Jr.
Edward O. Bridgers	Paul S. Jonas	Dr. B. F. Shields
Mrs.MaryE.Burnete	Jennings Kearby	John A. Sloan
Alex H. Calvert	Paul M. Lewis	Mrs. Thelma Stovall
Walter J. Chyle, Jr.	Mrs. J. T. Linton	E. H. (Ted) Stumbo
Lewis W. Combest	Harry K. Lowman	Egbert V. Taylor
Marvin A. Cornett	William Maglinger	Albert Thomason
R. Josh Cosby	Shelby McCallum	Eulick (Mike) Walsh
C. E. Dowell	G. Lee McClain	Wm. Thos. Wathen
JamesA.Dressman,Jr.	Russell L. Meadows	L. M. Weathers
Thomas R. Duncan	Tom Mobley	W. W. Webster
Jack Early	Robert H. Moore	Hicks Wells
Harold Edwards	Walter R. Moorman	W.A.(Pete)Wickliffe
Roscoe Estep	Fred H. Morgan	Walker H. Wiseman
Herbert Fern	Earl F. Murphy	Garrett L. Withers
Wm. P. Friedlander	Thomas J. Murphy	

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Those who voted in the negative were—

Charles M. Crowe	Leslie Gay	Charles W. Wirsch
R. L. Dunigan	James W. Lambert	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that H. B. No. 105 be taken from its place in the Orders of the Day, and placed upon the Clerk's Desk.

Said motion was agreed to.

The House took up from the Orders of the Day, a bill of the following title, viz:

H. B. No. 131. AN ACT relating to the making of wills by minors, amending section 394.030 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 394.030 of the Kentucky Revised Statutes is amended to read as follows:

No person under the age of twenty-one can make any will, except in the following instances.

(1) In pursuance of a power specially given to that effect.

(2) A father, though under twenty-one years of age, may by will appoint a guardian for his child.

(3) Any person, while a member of the Armed Forces of the United States, may execute a will to the extend authorized in KRS 394.020. The provisions of this subsection shall be in addition to the provisions of KRS 394.050.

Mr. Blanton of the Committee to which said bill had been referred, offered the following amendment to said bill, viz:

Amendment No. 1. Amend printed copy of H. B. No. 131 on page 1, section 3, line 11, by striking the word "extend" and inserting the word "extent."

Said motion was agreed to.

Said amendment was adopted.

Mr. Blanton moved the Previous Question.

Whereupon, the Sueaker announced, "shall the Main Question be now put?"

Ordered that said bill be engrossed and read at length for the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	R. Josh Cosby	Henry R. Heyburn
Dr. John Adkins, Jr.	Charles M. Crowe	E. R. Hilton
Henry Arrowood	C. E. Dowell	Chester J. Holsclaw
J. Everett Bach	JamesA.Dressman,Jr.	Paul S. Jonas
Sidney Baer	R. L. Dunigan	Jennings Kearby
John Rhea Banton	Jack Early	James W. Lambert
Clarence J. Barnum	Harold Edwards	Jesse H. Lawrence
Owen Billington	William Engle	Paul M. Lewis
Wm. W. Blanton	Roscoe Estep	Mrs. J. T. Linton
R. O. Blevins	Herbert Fern	Harry K. Lowman
J. C. Bradley	Wm. P. Friedlander	William Maglinger
Ed. T. Breathitt	Leslie Gay	Shelby McCallum
Edward O. Bridgers	Eugene B. Hancock	G. Lee McClain
Thomas L. Britton	George F. Harris	Russell L. Meadows
Mrs.MaryE.Burnete	John Head	Tom Mobley
Walter J. Chyle, Jr.	Farmer Helton	Robert H. Moore
Lewis W. Combest	William K. Henry	Walter R. Moorman
Marvin A. Cornett	Thomas D. Hewlett	Fred H. Morgan

Earl F. Murphy	Amos Runyon	William F. Threlkeld
Thomas J. Murphy	Cecil Sanders	Eulick (Mike) Walsh
Ewin C. Neville	Clem Schroader	Wm. Thos. Wathen
Bart N. Peak	Gus F. Sheehan, Jr.	L. M. Weathers
Louis T. Peniston	Dr. B. F. Shields	W. W. Webster
Hobart Rayburn	John A. Sloan	Hicks Wells
Tipton Reed	E. A. Spencer	W.A.(Pete)Wickliffe
J. F. Robinson	Mrs. Thelma Stovall	Charles W. Wirsch
Earl Rogers	E. H. (Ted) Stumbo	Walker H. Wiseman
Joe Rouse	Egbert V. Taylor	Garrett L. Withers
Carl J. Ruh	Albert Thomason	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 132. AN ACT relating to survival of actions, amending section 411.140 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 411.140 of the Kentucky Revised Statutes is amended to read as follows:

No right of action for personal injury or for injury to real or personal property shall cease or die with the person injuring or injured, except actions for slander, libel, criminal conservation, and so much of the action for malicious prosecution as is intended to recover for the personal injury. For any other injury an action may be brought or revived by the personal representative, or against the personal representative, heir or devisee, in the same manner as causes of action founded on contract.

Mr. Blanton moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Dr. John Adkins, Jr.	Roscoe Estep	Russell L. Meadows
Henry Arrowood	Herbert Fern	Tom Mobley
J. Everett Bach	Wm. P. Friedlander	Robert H. Moore
Sidney Baer	Leslie Gay	Fred H. Morgan
John Rhea Banton	Chas. M. Greene	Earl F. Murphy
Clarence J. Barnum	George F. Harris	Thomas J. Murphy
Owen Billington	John Head	Ewin C. Neville
Wm. W. Blanton	Farmer Helton	Bart N. Peak
R. O. Blevins	William K. Henry	Louis T. Peniston
J. C. Bradley	Thomas D. Hewlett	Tipton Reed
Ed. T. Breathitt	Henry R. Heyburn	J. F. Robinson
Edward O. Bridgers	E. R. Hilton	Earl Rogers
Alex H. Calvert	Chester J. Holsclaw	Joe Rouse
Walter J. Chyle, Jr.	William M. Horn	Carl J. Ruh
Marvin A. Cornett	Jennings Kearby	Amos Runyon
Charles M. Crowe	Jesse H. Lawrence	Cecil Sanders
C. E. Dowell	Paul M. Lewis	Clem Schroader
JamesA.Dressman,Jr.	Mrs. J. T. Linton	Gus F. Sheehan, Jr.
Thomas R. Duncan	Harry K. Lowman	Dr. B. F. Shields
Harold Edwards	William Maglinger	E. H. (Ted) Stumbo
William Engle	Shelby McCallum	Egbert V. Taylor

Albert Thomason	L. M. Weathers	Charles W. Wirsch
William F. Threlkeld	W. W. Webster	Walker H. Wiseman
Eulick (Mike) Walsh	Hicks Wells	Garrett L. Withers
Wm. Thos. Wathen	W.A.(Pete)Wickliffe	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr Lowman moved that the House do now recess for fifteen minutes for the purpose of having Committee hearings.

Said motion was agreed to.

And then the House recessed.

Fifteen minutes having expired, the Speaker resumed the Chair and called the House to order.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 206. AN ACT relating to support of dependents.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 407.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) A husband in one state is hereby declared to be liable for the support of his wife and any child or children under seventeen years of age and any other dependent residing or found in the same state or in another state having substantially similar or reciprocal laws, and, if possessed of sufficient means or able to earn such means, may be required to pay for their support a fair and reasonable sum according to his means, as may be determined by the court having jurisdiction of the respondent in a proceeding instituted under this chapter.

(2) A mother in one state is hereby declared to be liable for the support of her child or children under seventeen years of age residing or found in the same state or in another state having substantially similar or reciprocal laws, whenever the father of such child or children is dead, or cannot be found, or is incapable of supporting such child or children, and, if she is possessed of sufficient means or able to earn such means, she may be required to pay for the support of such child or children a fair and reasonable sum according to her means, as may be determined by the court having jurisdiction of the respondent in a proceeding instituted under this chapter.

(3) The parents in one state are hereby declared to be severally liable for the support of a child seventeen years of age or older residing or found in the same state or in another state having substantially similar or reciprocal laws, whenever such child is unable to maintain himself and is likely to become a public charge.

(4) A child or children born of parents who, at any time prior or subsequent to the birth of such child, have entered into a civil or religious marriage ceremony, shall be deemed the legitimate child or children of both parents, regardless of the validity of such marriage.

(5) A child or children born of parents who held or hold themselves out as husband and wife by virtue of a common law marriage recognized as valid by the laws of the initiating state and of the responding state shall be deemed the legitimate child or children of both parents.

(6) A woman who was or is held out as his wife by a man by virtue of a common law marriage recognized as valid by the laws of the initiating state and of the responding state shall be deemed the legitimate wife of such man.

(7) Notwithstanding the fact that the respondent has obtained in any state or country a final decree of divorce or separation from his wife or a decree dissolving his marriage, the respondent shall be deemed legally liable for the support of any dependent child of such marriage.

(8) An adult person residing in one state is hereby

declared liable for the support of a parent who is destitute of means of subsistence and unable because of old age, infirmity or illness to support himself or herself, residing or found in the same state or in another state having substantially similar or reciprocal laws.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Walter J. Chyle, Jr.	Eugene B. Hancock
Dr. John Adkins, Jr.	Lewis W. Combest	George F. Harris
J. Everett Bach	R. Josh Cosby	John Head
Sidney Baer	Charles M. Crowe	Farmer Helton
John Rhea Banton	C. E. Dowell	William K. Henry
Clarence J. Barnum	JamesA.Dressman,Jr.	Thomas D. Hewlett
R. O. Blevins	Thomas R. Duncan	Henry R. Heyburn
J. C. Bradley	R. L. Dunigan	E. R. Hilton
Ed. T. Breathitt	Jack Early	Chester J. Holsclaw
Edward O. Bridgers	William Engle	William M. Horn
Thomas L. Britton	Roscoe Estep	Paul S. Jonas
Mrs.MaryE.Burnete	Herbert Fern	Jennings Kearby
Alex H. Calvert	Chas. M. Greene	James W. Lambert

Jesse H. Lawrence	Louis T. Peniston	Mrs. Thelma Stovall
Paul M. Lewis	Hobart Rayburn	E. H. (Ted) Stumbo
Mrs. J. T. Linton	Tipton Reed	Egbert V. Taylor
Harry K. Lowman	J. F. Robinson	Albert Thomason
William Maglinger	Earl Rogers	William F. Threlkeld
Shelby McCallum	Joe Rouse	Eulick (Mike) Walsh
Russell L. Meadows	Carl J. Ruh	Wm. Thos. Wathen
Robert H. Moore	Amos Runyon	L. M. Weathers
Walter R. Moorman	Cecil Sanders	W. W. Webster
Fred H. Morgan	Clem Schroader	Hicks Wells
Earl F. Murphy	Gus F. Sheehan, Jr.	W.A.(Pete)Wickliffe
Thomas J. Murphy	Dr. B. F. Shields	Charles W. Wirsch
Ewin C. Neville	John A. Sloan	Walker H. Wiseman
Bart N. Peak	E. A. Spencer	—80

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up from the Orders of the Day, a bill of the following title, viz:

H. B. No. 169. AN ACT concerning annexation of territory to cities of the third class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 81.190 of the Kentucky Revised Statutes is amended to read as follows:

Any city of the third class may annex any territory to the city in the county wherein said city is situated or in an adjoining county or reduce the boundaries of the city, in the same manner and under the same procedure as is provided in KRS 81.100 and 81.110 for annexation of unincorporated territory or reduction of boundaries by cities of the first class, with the following exceptions:

(1) If there is no daily newspaper published in the city, the ordinance proposing annexation or reduction of territory shall be published in at least four issues of a weekly paper published in and having the largest circulation in the city. If there is no daily or weekly newspaper published in the city, copies of the ordinance shall be posted for at least ten days in four of the most public places in the city.

(2) If the mayor is absent, the summons issued on the petition filed in circuit court shall be served on the members of the city legislative body.

(3) The proceedings in the circuit court shall be tried according to the practice prescribed for the trial of equity cases, without the intervention of a jury.

(4) There shall be no appeal from the judgment of the circuit court.

Mr. Greene of the Committee to which said bill had been referred, offered the following amendment to said bill, viz:

Amendment No. 1. Amend printed copy of H. B. No. 169 on page 2, line 21.

Amend subsection (3) to read as follows:

(3) The proceedings shall be in the circuit court of the county wherein the city is situated and shall be tried according to the practice prescribed for the trial of equity cases, without the intervention of a jury.

Said motion was agreed to.

Said amendment was adopted.

Mr. Sheehan of the Committee to which said bill had been referred, offered the following amendment to said bill, viz:

Amendment No. 2. Amend printed copy of H. B. No. 169 on page 2, lines 13 and 14, by striking the words, "the largest circulation" to the words, "general circulation."

Said motion was agreed to.

Said amendment was adopted.

Mr. Greene moved the previous Question.

Whereupon, the Speaker announced, "shall the Main Question be now put?"

Ordered that said bill be engrossed and read at length for the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	George F. Harris	Carl J. Ruh
Dr. John Adkins, Jr.	John Head	Amos Runyon
Sidney Baer	Farmer Helton	Cecil Sanders
John Rhea Banton	Thomas D. Hewlett	Clem Schroader
Clarence J. Barnum	Henry R. Heyburn	Gus F. Sheehan, Jr.
Wm. W. Blanton	E. R. Hilton	Dr. B. F. Shields
R. O. Blevins	William M. Horn	John A. Sloan
Ed. T. Breathitt	Paul S. Jonas	E. A. Spencer
Thomas L. Britton	Jennings Kearby	E. H. (Ted) Stumbo
Walter J. Chyle, Jr.	Jesse H. Lawrence	Egbert V. Taylor
Lewis W. Combest	Paul M. Lewis	Albert Thomason
R. Josh Cosby	Shelby McCallum	Wm. Thos. Wathen
Charles M. Crowe	Russell L. Meadows	L. M. Weathers
C. E. Dowell	Robert H. Moore	W. W. Webster
James A. Dressman, Jr.	Walter R. Moorman	Hicks Wells
R. L. Dunigan	Earl F. Murphy	W. A. (Pete) Wickliffe
Jack Early	Bart N. Peak	Charles W. Wirsch
William Engle	Tipton Reed	Walker H. Wiseman
Leslie Gay	J. F. Robinson	
Chas. M. Greene	Earl Rogers	

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Those who voted in the negative were—

Edward O. Bridgers	Wm. P. Friedlander	Louis T. Peniston
Alex H. Calvert	William K. Henry	Joe Rouse
Roscoe Estep	G. Lee McClain	
Herbert Fern	Thomas J. Murphy	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

REPORT OF THE ENROLLMENT COMMITTEE

Mr. Henry on the Committee on Enrollment to which the same had been referred, reported that they had examined and found to be correctly enrolled, resolutions of the following titles, viz:

H. Res. No. 13. A JOINT RESOLUTION appropriating the sum of two thousand ($2,000.00) dollars for a contingent fund for the Clerk of the Senate, and appropriating the sum of two thousand ($2,000.00) dollars for a contingent fund for the Clerk of the House.

H. Res. 14. A JOINT RESOLUTION providing for the purchase and distribution of "The Legislative Digest," and declaring an emergency.

Thereupon, all other business was suspended, said resolutions were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the Enrolling Clerk of this House deliver said resolutions to the Senate.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed bills originating in that body as follows, viz:

S. B. No. 10. AN ACT RELATING TO THE COMPENSATION OF JURY COMMISSIONERS AMENDING SECTION 29.060 OF THE KENTUCKY REVISED STATUTES.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 29.060 of the Kentucky Revised Statutes is amended to read as follows:

Each jury commissioner shall receive for his services five dollars per day for the time actually engaged, the claim for which shall be certified by the judge appointing him and paid by the State Treasurer upon the warrant of the Department of Finance. The fiscal court of any county containing a city of the first class may supplement the compensation of the commissioners by allowing and paying to each commissioner not exceeding seven dollars per day for the time actually engaged.

Said bill was ordered printed and referred.

S. B. No. 13. AN ACT concerning the practice of chiropody.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

S. B. No. 13. AN ACT concerning the practice of chiropody.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 311.420 of the Kentucky Revised Statutes is amended to read as follows:

(1) The official examiners shall hold examinations of applicants for licenses to practice chiropody in this state semiannually at such times and places as the board shall fix, and shall admit to examination any applicant who:

(a) Is at least twenty-one years of age;

(b) Is a citizen of the United States and a resident of the State of Kentucky;

(c) Is of good moral character and temperate habits; and

(d) Has completed a course in and graduated from a school or college of chiropody approved by the board; and no school or college of chiropody shall be approved by the board unless it has a minimum requirement of a course of required study consistent with the approved schools of the Council of Education of the National Association of Chiropodists as recommended by the official examiners; but this last requirement shall not be applicable to veterans of the armed forces of the United States of America who graduated from a school or college of chiropody approved by the Federal Government and whose tuition for attending said school or college was paid for in whole or in part by the federal government.

(2) The examination shall embrace the subjects of anatomy, physiology, chemistry, bacteriology, histology, pathology, dermatology, pedic-surgery, physio-therapy, diagnosis and treatment, materia medica and therapeutics, and other subjects as these subjects relate to antiseptics and anaesthetics and clinical chiropody, but the examination shall be so limited in its scope as to cover only the minimum requirements for chiropody educations. All veterans of the armed forces of the United States of America shall be granted an additional credit of five points above their earned points in their examination upon each of the above subjects.

(3) Applicants for examination shall present their credentials to the board by mail upon forms furnished by the board, and shall receive due notice of the place and date of the examination. Each application shall contain proof of the qualifications required of the applicant, shall be verified by the applicant under

oath, and shall be accompanied by an examination fee of twenty-five dollars.

(4) The board shall issue a license to any person who complies with the provisions of KRS 311.380 to 311.520 and who satisfactorily passes the examination: And also to any person who tenders to the board his application for a license and a fee of twenty-five dollars and evidence by affidavit that he is of good moral character and was engaged in the practice of chiropody in Kentucky continuously for a period of five years immediately before March 25, 1948, the date this original act was approved, excluding from the period any time in which the applicant was engaged in the services of the military, naval, or air force of the United States during World War II.

Said bill was ordered printed and referred.

S. B. No. 48. AN ACT imposing a penalty for removing or altering numbers on farm tractors or other units of farm equipment or machinery, amending Section 433.640 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 433.640 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who cuts off, defaces, or in any manner removes or alters any number placed by the manufacturer, *for identification purposes,* on the motor, chassis *or frame of a motor vehicle, or of a farm tractor or other unit of farm equipment or machinery,* shall be imprisoned in the penitentiary for not less than one year nor more than five years.

(2) The ownership, possession or control of a *motor vehicle, or of a farm tractor or other unit of farm equipment or machinery,* on which any motor, chassis, *frame or other* number has been altered, defaced or removed, shall be prima facie evidence that the altering, defacing or removing was done by the person owning, possessing or having control of the *motor*

vehicle or farm tractor or other unit of farm equipment or machinery.

Said bill was ordered printed and referred.

S. B. No. 73. AN ACT RELATING TO THE TERMS OF COURT IN THE THIRD JUDICIAL DISTRICT.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsection (3) of section 23.050 of the Kentucky Revised Statute is amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

* * * *

Third District. Calloway County, at Murray, on the first Monday in April, twenty-four juridical days; on the first Monday in August, twelve juridical days; on the first Monday in November, twenty-four juridical days.

Christian County, at Hopkinsville, on the second Monday in February, thirty-six juridical days; on the first Monday in June, twenty-four juridical days; on the third Monday in September, thirty-six juridical days.

Lyon County, at Eddyville, on the first Monday in May, third Monday in August and first Monday in December, twelve juridical days each.

Trigg County, at Cadiz, on the fourth Monday in January, the third Monday in May and first Monday in September, twelve juridical days each.

* * * *

Section 2. This Act shall take effect on July 15, 1952.

Said bill was ordered printed and referred.

S. B. No. 90. AN ACT relating to the use of business records as evidence and to make uniform the law relating thereto.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. (Definition.) The term "business" shall include every kind of business, profession, occupation, calling or operation of institutions, whether carried on for profit or not.

SECTION 2. (Business Records.) A record of an act, condition or event, shall, in so far as relevant, be competent evidence if the custodian or other qualified witness testified to its identity and the mode of its preparation, and if it was made in the regular course of business, at or near the time of the act, condition or event, and if, in the opinion of the court, the sources of information, method and time of preparation were such as to justify its admission.

SECTION 3. (Uniformity of Interpretation.) This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

SECTION 4. (Short Title.) This act may be cited as the Uniform Business Records as Evidence Act.

SECTION 5. (Repeal.) All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

SECTION 6. (Time of Taking Effect.) This act shall take effect July 1, 1952.

Said bill was ordered printed and referred.

S. B. No. 91. AN ACT relating to the use of photographic copies of business and public records as evidence.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. If any business, institution, member of a profession or calling, or any department or agency of government, in the regular course of business or activity has kept or recorded any memorandum, writing, entry, print, representation or combination thereof, of any act, transaction, occurrence or

event, and in the regular course of business has caused any or all of the same to be recorded, copied or reproduced by any photographic, photostatic, microfilm, micro-card, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original, the orginal may be destroyed in the regular course of business unless held in a custodial or fiduciary capacity or unless its preservation is required by law. Such reproduction, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not and an enlargement or facsimile of such reproduction is likewise admissible in evidence if the original reproduction is in existence and available for inspection under direction of court. The introduction of a reproduced record, enlargement or facsimile, does not preclude admission of the original.

SECTION 2. This act shall be so interpreted and construed as to effectuate its general purpose of making uniform the law of those states which enact it.

SECTION 3. This act may be cited as the Uniform Photographic Copies of Business and Public Records as Evidence Act.

SECTION 4. All acts or part of acts which are inconsistent with the provisions of this act are hereby repealed.

SECTION 5. This act shall take effect July 1, 1952.

Said bill was ordered printed and referred.

S. B. No. 100. AN ACT relating to a study of the problem of alcoholism in the State, providing for an Alcoholic Study Commission and for the furnishing of assistance and facilities by the Legislative Research Commission and making an appropriation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. There is created a commission to be known as the Alcoholic Study Commission which shall consist of not more than eleven members to be appointed by the Governor imme-

diately after the effective date of this Act. The Governor shall name one of the members of the Commission as chairman.

Sec. 2. The Alcoholic Study Commission in conjunction with the Legislative Research Commission shall make a comprehensive study on the problem of alcoholism in the State, the existing methods and facilities for treatment, the present program for public education on alcoholism and the present status of the laws of the State in regard to alcoholism.

Sec. 3. The Legislative Research Commission is authorized and directed to secure and provide adequate facilities, services and assistance to enable the Alcoholic Study Commission to carry out the object and purposes of this Act.

Sec. 4. The Alcoholic Study Commission in conjunction with the Legislative Research Commission shall prepare and submit to the Governor at such an early date as is consistent with the purposes of this Act a report of the result of its study and survey, with recommendations, for the use and benefit of the General Assembly when next in session.

Sec. 5. The members of the Alcoholic Study Commission shall receive no compensation for their services but may be reimbursed for actual and necessary expenses incurred in the performance of the functions of the Commission. The Commission shall meet from time to time upon call of the chairman at a time and place designated in the call, and shall meet at the request of the Governor at such times and places as designated by him. The Commission shall continue in existence until such time when its duties shall be complete but in no event beyond December 31, 1953.

Sec. 6. To carry out the purposes of this Act there is appropriated to the Legislative Research Commission out of the General Expenditure fund in the State Treasury the sum of ten thousand dollars which sum shall be available during the 1952-53 fiscal year and, without lapse, during the 1953-54 fiscal year. Authorized expenses and expenditures of the Alcoholic Study Commission may be paid out of the appropriation on vouchers approved by the Director of the Legislative Research Commission.

Said bill was ordered printed and referred.

S. B. No. 105. AN ACT relating to the stealing of cattle.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of section 433.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) Subject to the provisions of subsection (2) and (3) of this section, any person who steals cattle, as defined in KRS 446.010, shall be confined in the penitentiary for not less than two nor more than ten years.

Said bill was ordered printed and referred.

S. B. No. 107. AN ACT relating to a sewer district in cities of the second class and counties containing such cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any city of the second class and the county containing such city, and their appropriate officers, boards or commissions, shall have all of the rights, powers, privileges, duties and obligations that are given to a city of the first class, and the county containing such city, by KRS 76.010 to 76.210, and all things that are authorized to be done in, by or for a city of the first class, and the countys containing such city, by those sections, may likewise be done in, by or for a city of the second class and the county containing such city, subject to the same terms, conditions and restrictions. For this purpose, any powers or duties vested in a named officer, board or commission of a city of the first class, and the county containing such city, by those sections, shall be deemed to be vested in the corresponding officer, board or commission of a city of the second class and the county containing such city.

Said bill was ordered printed and referred.

S. B. No. 108. AN ACT changing the classification of the City of Lakeside Park, in Kentucky County.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Lakeside Park, in Kenton County, is transferred from the sixth to the fifth class of cities.

Said bill was ordered printed and referred.

S. B. No. 111. AN ACT relating to the sale of boats and motor vehicles for the purpose of recovering charges and deferred purchase money due thereon, amending section 376.280 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 376.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any boat or motor vehicle remaining in the possession of a person who has sold the same and to whom deferred purchase money has been past due and owing thereon for a period of more than sixty days, and any boat or motor vehicle remaining in the possession of a person who has made repairs, performed labor or furnished accessories or supplies therefor and to whom the charges for such repairs, labor, accessories or supplies has been owing for a period of more than thirty days, may be sold to pay such deferred purchase money or charges. The proposed sale shall be advertised at least three times in some newspaper of general circulation in the city or county where the original sale was effected or where the materials were furnished or where the labor was performed, the last such advertisement to be made at least six days before the sale is held, and notice thereof shall be sent by registered mail to the owner of the boat or motor vehicle and to any other person known to have any interest therein, addressed to such persons at their last known addresses, at least ten days before the sale is held.

(2) The term "boat," as used in subsection 1, means any watercraft not enumerated in subsection (1) of KRS 376.360 and sloops having an overall length of forty feet or less.

Said bill was ordered printed and referred.

S. B. No. 115. AN ACT relating to compensation and maintenance of persons performing public services in positions requiring the services of a physician.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context clearly requires otherwise:

(1) "Physician" means a person authorized by law to practice medicine in this State.

Section 2. Notwithstanding the provisions of KRS 64.640 and 64.650, the Division of Personnel in the Department of Finance may, upon the recommendation of the hiring authority and with the approval of the Governor, establish rates of compensation and maintenance within the constitutional limit for each position requiring the services of a qualified physician in any department, agency, or other unit of State Government. Such rates shall be based upon studies of the duties and responsibilities of the positions and upon a comparison with rates being paid for similar or comparable services elsewhere.

Said bill was ordered printed and referred.

S. B. No. 138. AN ACT relating to the condemnation of property for construction, reconstruction, and maintenance of highways and bridges and facilities related thereto, and repealing KRS 177.075.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Commonwealth of Kentucky, Department of Highways, when it has, by Official Order, designated the route, location or relocation of a highway, limited access highway, bridge, roadside park, borrow pit, quarry, garage or other property or structure deemed necessary for the construction, re-

construction, or maintenance of an adequate system of highways, may, if unable to contract or agree with the owner or owners thereof, condemn the lands or material, or the use and occupancy of the lands designated as necessary. All property acquired under the provisions of this Act shall be in fee simple whenever so specified in the petition filed in the action. The Official Order of the Department of Highways shall be conclusive of the public use of the condemned property and the condemnor's decision as to the necessity for taking the property will not be disturbed in the absence of fraud, bad faith, or abuse of discretion.

The provisions of this Act shall apply whether cost of property condemned is borne by Commonwealth of Kentucky, Department of Highways, or any county or municipality thereof.

The proceedings for condemnation shall be as provided in this Act.

Section 2. The Commonwealth of Kentucky, Department of Highways, when seeking to condemn lands and material and the use and occupancy of lands, under the provisions of Section 1 of this Act, shall direct the County Attorney or any attorney authorized to represent the Commonwealth to file a petition in the office of the County Court Clerk in the county in which all or the greater portion of the land or material is located. If any authorized attorney, other than the County Attorney, is directed to file the petition, the County Attorney shall assist in the prosecution of the action. The petition shall be filed in the name of the Commonwealth of Kentucky, Department of Highways and may join as plaintiff the county in which any part of the property is situated, or in which the petition is filed, or any municipality thereof. It shall state that it is filed under the provisions of this Act and shall contain, in substance:

(1) Allegations sufficient to show that the petitioner is entitled, under the provisions of Section 1 of this Act, to condemn the lands and material and the use and occupancy of the lands in question;

(2) A particular description of the land, the use and occupancy thereof, and the material sought to be condemned;

(3) An application to the County Court to appoint Commissioners to award the amount of compensation the owner thereof is entitled to receive therefor.

Section 3. The County Court shall appoint as Commissioners three impartial housekeepers who are owners of land. They shall be sworn to faithfully and impartially discharge their duties under this Section. The Commissioners shall view the land or material sought to be condemned and they may hear evidence or make any inquiry they desire touching the value thereof and award to the owner or owners the value of the property taken. They shall also award any damages resulting to the adjacent lands of the owner or owners considering the purpose for which it is taken, but shall deduct from such damages the value of the advantages and profits that will accrue to the adjacent lands from the construction and prudent maintenance of the proposed project. They shall return a written report to the office of the Clerk of the County Court describing the property sought to be condemned stating separately each item of damage. They shall be allowed a reasonable fee which shall be taxed as cost.

Section 4. Upon the application of the petitioner, and the filing of any necessary affidavits, the Clerk of the Court shall issue process against the owner to show cause why the petitioner does not have the right to condemn the lands, or the use and occupation thereof, and material sought to be condemned. The summons shall contain a statement of the amount of the award. The Clerk shall make such orders as to nonresidents and persons under disability as are required by the Civil Code in actions against them in Circuit Court.

Section 5. Any answer or other pleading filed by the owner or owners in response to the summons shall be filed on or before the first day of the first regular term of the County Court after the owner or owners have been summoned the time prescribed by the Civil Code, and shall be confined solely to the question of the right of the petitioner to condemn the property sought to be condemned, but without prejudice to the owner's right to appeal from the amount of the compensation

awarded in the manner provided in Subsection (1) of Section 7 of this Act.

Section 6.

(1) At the first regular term of the County Court after the owner has been summoned the length of time prescribed by the Civil Code before an answer is required, the Court shall examine the report of the Commissioners to determine whether it conforms to the provisions of Section 3 of this Act. If the report of the Commissioners is not in the proper form the Court shall require the Commissioners to make such corrections as are necessary.

(2) If no answer or other pleading is filed by the owner or owners putting in issue the right of the petitioner to condemn the lands or the use and occupation thereof and the material sought to be condemned, the Court shall enter a judgment which shall contain, in substance:

(a) A finding that the petitioner has the right, under the provisions of Section 1 of this Act, to condemn the lands or the use and occupation thereof and material;

(b) A finding that the report of the Commissioners conforms to the provisions of Section 3 of this Act;

(c) An authorization to take possession of lands and materials for the purposes and under the conditions and limitations, if any, set forth in the petition, upon payment of all costs and the payment to the owner, or to the Clerk of the Court, the amount of the compensation awarded by the Commissioners;

(d) Proper provision for the conveyance of the title to the land and material, to the extent condemned, as adjudged therein, in the event no appeal is taken as provided in Subsection (1) of Section 7 of this Act.

Any appeal from such judgment by either party or both parties shall be confined solely to exceptions to the amount of compensation awarded by the Commissioners.

(3) If the owner has filed answer or pleading putting in issue the right of the petitioner to condemn the lands or use and

occupation thereof and the material sought to be condemned, the Court shall, without intervention of jury, proceed to hear and determine whether or not the petitioner has such right. If the Court determines that petitioner has such right, judgment, as provided for in Subsection 2 of this Section, shall be entered. If the Court determines that petitioner does not have such right, it shall enter a judgment which shall contain, in substance:

(a) A finding that the report of the Commissioners conforms to Section 3 of this Act;

(b) A finding that the petitioner is not authorized to condemn the lands or the use and occupation thereof and the material for the purposes and under the conditions and limitations set forth in the petition, stating the particular ground or grounds on which the petitioner is not so authorized;

(c) An order dismissing the petition and directing the petitioner to pay all costs.

Section 7.

(1) Within 30 days from the date of a judgment authorizing the petitioner to take possession of the land and/or material, an appeal may be taken to the Circuit Court by either or both parties by filing with the Clerk of the Circuit Court a certified copy of the judgment, a statement of the parties to the appeal, and any exceptions the appellant has to the award made by the Commissioner. No transcript shall be required to be filed by the appellant of other parts of the record, but when an appeal is filed with the Clerk of the Circuit Court shall certify that fact to the Clerk of the County Court and the latter immediately shall transfer the original papers to the Clerk of the Circuit Court. The statement of grounds of appeal of either party may be amended as provided in the Civil Code for the amendment of a pleading. The appeal shall be tried de novo, but shall be limited to the questions which are raised in the original exceptions or statement of the grounds of appeal, or as amended. Provided, however, that in any case where the road, bridge, or other structure has not been completed by the time the action ordinarily would stand for trial on appeal, either party may file an affidavit stating that fact, and the case shall

not stand for trial until such project is completed, but no trial shall be delayed for this reason beyond one year from the date of filing said affidavit. All questions of fact pertaining to the amount of compensation to the owner or owners shall be determined by jury, which jury on the application of either party, shall be sent by the Court, in the charge of the Sheriff, to view the land and material. Upon an appeal to the Circuit Court and after a jury trial therein, and if possession of the land and material condemned has not previously been taken by the condemnor, it may do so upon payment to the owners, or to the Clerk of the Circuit Court, the amount of the compensation adjudged by the Circuit Court to be due the owners and by paying all costs of the action.

(2) Within 30 days from the date of a judgment dismissing a petition, an appeal may be taken to the Circuit Court by the petitioner by filing with the Clerk of the Circuit Court a statement of the parties to the appeal and a certified copy of the judgment. No transcript shall be required to be filed by the appellant of other parts of the record, but when an appeal is filed the Clerk of the Circuit Court shall certify that fact to the Clerk of the County Court and the latter immediately shall transfer the original papers to the Clerk of the Circuit Court. Upon reasonable notice to the owner, such an appeal shall be tried at the earliest convenience of the Court without the intervention of a jury, at any regular or special term or by the Judge in vacation. At such trial, either party may present evidence relating to the right of the petitioner to condemn the land and material sought to be condemned. If the Judge of the Circuit Court finds that the petitioner has the right to condemn said property, the case shall not be remanded but the Judge or Court shall enter an order setting forth his findings and authorizing the petitioner to take possession of the lands and materials for the purposes and under the conditions and limitations set forth in the petition upon the payment to the owner, or to the Clerk of the Circuit Court, the amount of compensation awarded by the Commissioners in their report to the County Court. Within 30 days from the date of the order of the Circuit Court authorizing the petitioner to take such possession, either party may file exceptions to the award of the Commissioners. If no exceptions

to the award are filed, the Court, on motion of the condemnor, shall enter a final judgment in the case. If either party files exceptions pertaining to the amount of the award, the issues of fact shall be tried by a jury in the Circuit Court as though on appeal from a judgment of the County Court, as provided in Subsection (1) of Section 7 of this Act.

(3) Appeals may be taken to the Court of Appeals from the final judgment of the Circuit Court as in other cases except that an appeal by the owner shall not operate as a supersedeas.

(4) The payment by the condemnor of the amount of compensation awarded and the taking possession of the lands and material condemned shall not prejudice its right to appeal from the judgment of any court, nor shall the acceptance by the owner of the amount of the compensation awarded prejudice his right to appeal from the judgment of any court.

(5) If the condemnor takes possession of the land and material condemned and the amount of compensation is thereafter increased upon an appeal, the condemnor shall pay interest to the owner at the rate of six percent (6%) per annum upon the amount of such increase from the date the condemnor took possession of the land and material. If the condemnor takes possession of the land and material condemned and the amount of compensation is thereafter decreased upon an appeal, the condemnor shall be entitled to a personal judgment against the owner for the amount of the decrease plus interest at the rate of six percent (6%) per annum from the date the owner accepted the amount of compensation the condemnor paid into Court or to the owner. If the owner at all times refuses to accept the payment tendered by the condemnor, no interest shall be allowed in the judgment against the owner for the amount of the decrease.

(6) Upon the final determination of an appeal, the Circuit Court shall make such orders as may be proper for the conveyance of the title, to the extent condemned, to the land and material.

Section 8. All money paid into Court or paid or transferred to the Clerk of a Court under the provisions of this Act shall be received by the Clerk of the Court and held subject to the order

of the Court, for which the Clerk and his sureties on his official bond shall be responsible to the persons entitled thereto.

Section 9. Where there are conflicting claimants to the land sought to be condemned and all such parties are before the Court, each claimant, for the purposes of the condemnation proceeding only, shall be deemed to be an owner, and the procedure for the condemnation of the land shall be as provided in this Act except that, before the condemnor shall be entitled to take possession of the land, it shall be required to pay the compensation awarded therein to a receiver appointed by the Court or to the Master Commissioner of the Circuit Court, to be held for the benefit of, and paid over to such persons as may thereafter be determined to be entitled to receive it. In such cases, the claimants may have their rights determined in a separate action, but the filing of such action or its pendency shall in no wise stay or delay said condemnation proceedings.

Section 10. All proceedings under this Act shall be governed by the provisions of the Civil Code of Practice except where the provisions of this Act specifically or by necessary implication provide otherwise.

Section 11. KRS 177.075 is hereby repealed.

Said bill was ordered printed and referred.

S. B. No. 140. AN ACT relating to a department of Mental Health, and its establishment, organization, personnel, powers, duties, functions, funds and facilities, including provisions for the transfer of functions, funds and facilities from other state departments or agencies.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. (1) There hereby is created a Department of Mental Health which shall constitute a statutory administrative department of the state government within the meaning of Chapter 12 of the Kentucky Revised Statutes. The department shall be headed by a Commissioner of Mental Health who shall be

the executive officer and shall have sole charge of the administration of the department.

(2) The commissioner shall have authority, with the approval of the Governor, to appoint an assistant commissioner and directors of the various divisions in the department, and prescribe their duties. The assistant commissioner may be designated as director of a division.

(3) The commissioner shall have authority to prescribe rules and regulations for the administration of the department and of the institutions under the control of the department.

Sec. 2. (1) The Commissioner of Mental Health shall be a qualified physician with approved training in psychiatry and with a minimum of five years' successful experience in clinical psychiatry and administrative psychiatry. The assistant commissioner shall have the same qualifications, except that the minimum experience requirement shall be three years. The superintendents of the institutions operated by the department shall be qualified physicians with a minimum of three years' experience in the administration of the hospitals providing care for the mentally ill. Professional personnel of the department shall possess such qualifications as are prescribed by the commissioner.

(2) The compensation of the commissioner shall be fixed by the Governor, without regard to any limitation imposed by KRS 64.640. The compensation of other personnel of the department shall be fixed by the commissioner in accordance with KRS 64.640 and 64.650. The commissioner, the assistant commissioner, and the superintendents of the institutions operated by the department shall be allowed maintenance for themselves and family in addition to salary. Maintenance may be allowed to institutional employes in accordance with regulations prescribed by the Department of Finance under KRS 64.640.

Sec. 3. There hereby is created an Advisory Council of Mental Health, within the Department of Mental Health, which shall consist of the Commissioner of Mental Health, ex officio, and twelve members, including physicians, psychiatrists and laymen, appointed by the Governor, who shall serve for terms

of four years, and until their successors are appointed, except that the members first appointed shall be so appointed that the terms of three members will expire each year. The appointed members shall receive their actual and necessary expenses in attending meetings of the council. The Governor shall each year appoint a chairman from among the psychiatrist members of the council. The council shall serve in an advisory capacity to the Commissioner of Mental Health.

Sec. 4. The Department of Mental Health shall:

(1) Exercise all functions of the state in relation to the administration and operation of all state institutions for the care and treatment of the mentally ill, not including any institution for the feeble-minded.

(2) Establish or acquire, in accordance with the provisions of KRS 56.440 to 56.550, other or additional facilities for psychiatric care and treatment of persons who are or may become state charges.

(3) Cooperate with the Department of Health and with other state agencies for the development of a state-wide mental health program looking toward the prevention of mental disease and the post-institutional care of persons released from public or private mental hospitals.

(4) Provide for the custody, maintenance, care and medical and psychiatric treatment of the patients of the institutions operated by the department.

(5) Provide psychiatric consultation for the state penal and correctional institutions, and for the state institutions operated for children or for the feeble-minded.

(6) Administer and supervise programs for the non-institutional care of mentally ill persons, not including the administration of the pauper idiot law.

(7) Supervise private mental hospitals receiving state aid or receiving patients committed by order of a court.

Sec. 5. The Department of Mental Health shall be divided for administrative purposes into:

(1) A Division of Professional Services, which shall supervise the administration of the clinical work in institutions.

(2) A Division of Business Administration, which shall be responsible for administration of the functions of the department in relation to budgets, expenditures, purchasing, maintenance, building projects, reimbursements, statistics and records, food service and personnel.

(3) Such other divisions as the commissioner, upon written authorization of the Governor, may establish for administrative supervision of other functions of the department.

Sec. 6. Each of the institutions operated by the Department of Mental Health shall be under the immediate management of a superintendent appointed by the Commissioner of Mental Health. The Superintendents shall be specifically charged with the medical and psychiatric treatment and care of the patients, and with the training and research programs, of their respective institutions. Each superintendent shall have the general management of his institution, and the patients thereof, subject to the rules and regulations of the departments, and, except as provided in section 12 of this Act, shall devote his entire time to the duties of his position. Each superintendent, subject to the approval of the commissioner, shall employ the necessary personnel for his institution, including both professional and nonprofessional employes. Employes shall be selected for merit and fitness only, and except as provided in section 13 of this Act or when employed for special or temporary service, shall give all of their time to the service of the department. A superintendent may be removed from office, by the commissioner, with approval of the Advisory Council of Mental Health.

Sec. 7. No employe of an institution operated by the Department of Mental Health, after having served in his position continuously for six months, shall be removed from his position except as provided in this section. The superintendent of the institution may suspend the employe, from pay and from duties, upon a written statement of cause furnished to the employe. Within ten days thereafter the employe may apply to the Commissioner of Mental Health for a hearing. Thereupon the com-

missioner shall convene a board of review consisting of the commissioner and two other suitable persons appointed by him, and shall fix a time and place at which the board will conduct a hearing, of which reasonable notice shall be given to the employe and the superintendent. Upon the basis of the hearing, the board shall either authorize the removal of the employe, or direct that he be reinstated, either in his former position or in a similar position in another of the institutions operated by the department. Any order of removal or reinstatement shall relate back to the date of suspension. Unless application for a hearing is made within the time specified, the employe shall be deemed to have been removed as of the date of suspension.

Sec. 8. The Commissioner of Mental Health may transfer between the institutions operated by the department, or to the headquarters of the department, any superintendent or institutional employe. Necessary moving expenses involved in such transfers shall be paid by the department.

Sec. 9. Neither the commissioner, the assistant commissioner, the director of a division, the superintendent of any institution, nor any other officer or employe of the Department of Mental Health shall be permitted to engage in any political activity. Any political activity on the part of an institutional employe shall be cause for his dismissal, in accordance with section 8 of this Act.

Sec. 10. No officer or employe of any institution operated by the Department of Mental Health shall be required to give personal attendance as a witness in any civil suit out of the county in which the institution is located, but his deposition shall be taken in lieu thereof.

Sec. 11. (1) No officer in the Department of Mental Health shall sell anything to any institution under the control of the department, or make any contract, in which he is personally interested, with such institution.

(2) No officer or employe of the department shall accept any gift or fee for any purpose from any person who has at the time or has had a contract to do anything connected with the department or any of its institutions.

Sec. 12. No officer or employe of the Department of Mental Health shall receive or accept any compensation for personal services other than that paid by the state, except that the commissioner, and other officers and employes when so authorized by the commissioner, may be employed in, and receive compensation from outside activities such as teaching, research or community service work, to an extent that will not interfere with the performance of the duties of their office or employment.

Sec. 13. Religious instruction and ministration for patients of the institutions operated by the Department of Mental Health shall be provided for in the same manner as provided in KRS 196.240 for other state institutions.

Sec. 14. (1) Pursuant to agreement entered into by the heads of the departments concerned, a patient or inmate of a state institution operated by one state department may be transferred to a state institution operated by another state department, except that:

(a) An inmate may be transferred from a penal or correctional institution only as provided in KRS 202.380 and 431.240.

(b) No patient or inmate may be transferred to a penal or correctional institution unless he has been committed to such institution by judgment of a court.

(c) No patient or inmate may be transferred to an institution for the mentally ill or feeble-minded, except for a period of observation not to exceed thirty-five days, unless he has been adjudged mentally incompetent by a court and has been committed to a state institution for the mentally ill or feeble-minded. However, this shall not apply to transfers under KRS 202.380 or 431.240.

(2) When a patient or inmate committed by court order to one institution is transferred to another institution pursuant to this section, the order of commitment shall be deemed to apply to the institution to which transferred.

Sec. 15. The Division of Agricultural Production in the Department of Welfare, under agreements with the Depart-

ment of Mental Health, shall supervise the management and operation of any farm or agricultural facilities attached to or a part of any of the institutions operated by the Department of Mental Health. The products of any such farm or agricultural facility shall be furnished to the institution for its use or sold or exchanged for the use of the institution.

Sec. 16. The Department of Mental Health may acquire farm lands for the uses and purposes of its institutions, in accordance with the provisions of KRS 56.440 to 56.550. The University of Kentucky shall furnish investigational services for this purpose in the same manner as provided in KRS 196.130.

Sec. 17. The Department of Mental Health may accept money from the Federal Government, or any of its agencies, under any grant agreement entered into by this state or by the department. Such money may be expended for capital outlay in accordance with the provisions of KRS 56.440 to 56.550. The department also may accept grants, gifts, bequests or devises from public or private sources, and use the same for any purpose within the scope of the functions of the department, consistent with the terms of the grant, gift, bequest or devise.

Sec. 18. There shall be established and maintained, at each of the institutions operated by the Department of Mental Health, a canteen which shall be incorporated and self-supporting. The directors of each canteen shall be the Commissioner of Mental Health, the assistant commissioner, the Director of Business Administration, and the superintendent and business manager of the institution. All profits from each canteen shall be used exclusively for the benefit of the patients of the institution.

Sec. 19. The Commissioner of Mental Health may utilize the services of the workers of the Department of Mental Health, and the social workers of the Department of Welfare or the Department of Economic Security, when authorized by the commissioners of those departments. The Commissioner of Mental Health may authorize payment of the actual traveling expenses of the workers so utilized.

Sec. 20. At least four times in each calendar year, the Commissioner of Mental Health shall visit or cause to be visited

by the assistant commissioner, or a physician of the staff of one of the institutions, every state institution over which the Department of Mental Health has control. The visits shall be made on such days and at such hours of the day or night, and for such length of time, as the inspecting officer may choose. In addition to these regular visits, the inspecting officer may make such other visits as the commissioner deems necessary. Every visit shall include an inspection of every part of the institution, including the buildings and grounds in connection therewith, an examination of all records and the methods of administration, the general and special dietary, and of every patient confined therein, especially those admitted since the preceding visit, giving them suitable opportunity to converse with the inspecting officer, apart from the officers and attendants of the institution. The inspecting officer shall examine the officers, attendants and other employes, and make inquiries to determine their fitness for their respective duties.

Sec. 21. No patient of any of the institutions operated by the Department of Mental Health shall be denied the right to correspond with an attorney or with the commissioner.

Sec. 22. The Commissioner of Mental Health may prescribe appropriate records to be maintained covering the operations of the department and of the institutions operated by it, and covering commitment procedures. Any record forms applicable to commitment procedures shall be furnished to each court having jurisdiction to commit mentally ill persons, and the records contemplated by such forms shall thereafter be made by the committing courts.

Sec. 23. The Commissioner of Mental Health is authorized to establish training schools within the department or within any of the institutions operated by the department, for the training of necessary personnel for the institutions, or may arrange for the training of employes or prospective employes in any public or private school or institution having available facilities for that purpose. Funds of the department may be used to pay salaries to employes, or to pay tuition and subsistence for employes or prospective employes, while receiving such training. Any employe or prospective employe who is paid a salary,

or for whom tuition and subsistence are furnished, while receiving such training, shall be required to enter into a contract, prior to receiving such training, that unless he continues in the employ of the department for at least a period equivalent to the training period, immediately following the completion of such training, he will reimburse to the department the sum paid to or for him by the department during the period of his training.

Sec. 24. (1) The Commissioner of Mental Health may appoint, for each of the institutions operated by his department, a board of visitors consisting of not less than three nor more than ten citizens having an interest in the problems of mental health. The members of each board shall serve during the pleasure of the commissioner, and without compensation. .

(2) Each board of visitors shall visit at least once a year the institution for which it was appointed, and shall report to the commissioner the conditions found to exist in the institution, together with recommendations for improvements in the administration of the institution. The board shall be given free access to the institution and its patients for the purpose of such visits.

Sec. 25. (1) Any officer who violates subsection (1) of section 12 of this Act shall be fined not less than $250 nor more than $1,000.

(2) Any officer or employe who violates subsection (2) of section 12 of this Act shall ipso facto forfeit his office or position, and the office or position shall be declared vacant.

(3) Any person who willfully violates section 14 or section 22 of this Act shall be fined not less than $25 nor more than $100.

Sec. 26. Section 203.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Feeble-minded person," "epileptic," "idiot," "lunatic," "insane person," "person of unsound mind" and "pauper idiot or lunatic" have the same meaning as defined in KRS 202.010.

(2) "Institution" means any hospital or institution for feeble-minded, epileptic, or insane persons.

(3) "State institution" means an institution for feeble-minded, epileptic or insane persons which receives fifty percent or more of its support from state funds.

(4) "Health officer" means any person charged with enforcing the health laws of the state or any political subdivision thereof.

(5) "Department" means the Department of Mental Health, and any reference to the "Department of Welfare," the "Division of Hospitals and Mental Hygiene," the "Commissioner of Welfare," or the "Director of the Division of Hospitals and Mental Hygiene," shall be deemed to refer, respectively, to the Department of Mental Health and the Commissioner of Mental Health, except that where any of the quoted names or designations are used with reference to a state institution for the feeble-minded they shall be deemed to refer to the Department of Welfare and the Commissioner of Welfare.

Sec. 27. A new section of the statutes is created to be numbered KRS 202.015 and to read as follows:

Wherever used in this chapter, the terms "department," "Department of Welfare," "Division of Hospitals and Mental Hygiene," "Commissioner of Welfare," and "Director of the Division of Hospitals and Mental Hygiene," shall be deemed to refer, respectively, to the Department of Mental Health and the Commissioner of Mental Health, except that where any of the quoted terms are used with reference to a state institution for the feeble-minded they shall be deemed to refer to the Department of Welfare and the Commissioner of Welfare.

Sec. 28. Section 202.170 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner of Mental Health shall prescribe from time to time, by regulations, for the designation of hospital districts, for the purpose of determining to which of the state institutions for the mentally ill the persons committed from each county shall initially be sent.

Sec. 29. Section 196.100 of the Kentucky Revised Statutes is amended to read as follows:

The department shall prescribe rules and regulations for the government of the state institutions for the feeble-minded, for the proper maintenance and treatment of patients, for the preservation of buildings and grounds, for the use and cultivation of farms and gardens, and for the sale of surplus produce, the purchase of clothing, food, medicine and necessary supplies.

Sec. 30. Section 196.150 of the Kentucky Revised Statutes is amended to read as follows:

The department may accept money from the Federal Government, or any of its agencies, under any grant agreement entered into by the State of Kentucky or the Department of Welfare. Such money may be expended for capital outlay in accordance with the provisions of KRS 56.440 to 56.550.

Sec. 31. Section 196.160 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner of Welfare shall appoint a superintendent, a receiver and other necessary employes for each of the state penal and correctional institutions, and for the state institution for the feeble-minded, and shall fix their compensation, which may include maintenance, in accordance with the provisions of KRS 64.640 and 64.650.

Sec. 32. Section 196.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) The superintendent shall have the general management of the institution, and the inmates thereof, subject to the rules and regulations of the department, and he shall devote his entire time to the duties of his office.

(2) The superintendent of each institution shall be held responsible for the management of his institution and shall be subject to removal at any time by the commissioner.

Sec. 33. Section 196.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) The superintendent of the institution for the feeble-minded shall be a person with special experience in the training and care of the feeble-minded. He shall have had at least two years' administrative experience in a qualified institution for the care and treatment of the feeble-minded.

(2) The educational director of the institution for the feeble-minded shall be a college graduate, presenting evidence of special training and experience in the education of feeble-minded or backward school children, and shall have had at least one year's experience in teaching feeble-minded or backward children.

(3) The qualifications of other institutional employes shall be such as the Commissioner of Welfare prescribes.

Sec. 34. Subsection (3) of section 196.010, section 196.080, and sections 196.350 to 196.450, of the Kentucky Revised Statutes, are repealed.

Sec. 35. All personnel, properties, funds, records and facilities of every nature, of the Division of Hospitals and Mental Hygiene of the Department of Welfare, except such as are devoted to the operation of the state institution for the feeble-minded, hereby are transferred to the Department of Mental Health. Any appropriation, including any revolving, trust or agency fund account, made or provided for by the General Assembly for the fiscal years 1952-1953 and 1953-1954, for the administration of the Division of Hospitals and Mental Hygiene in the Department of Welfare, or for the operation of the state institutions for the mentally ill, shall be deemed to have been appropriated to the Department of Mental Health.

Sec. 36. This Act shall take effect on July 1, 1952.

Said bill was ordered printed and referred.

S. B. No. 25. AN ACT concerning equipment of vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No motor vehicle shall be equipped with a tele-

vision receiver unless the owner of such vehicle shall have secured a permit therefor from the Commissioner of State Police. The Commissioner may grant a permit upon such terms and conditions as he may prescribe.

Section 2. Any person who equips or operates a vehicle in violation of Section 1 of this Act shall be guilty of a misdemeanor.

Said bill was ordered printed an referred.

Mr. Lowman moved that the House do now adjourn until 1:00 o'clock p.m., Thursday, February 14, 1952.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, FEBRUARY 14, 1952

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House opened with prayer by the Reverend E. W. Baxter, Pastor of the Episcopal Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bill Adams	Chas. M. Greene	Louis T. Peniston
Dr. John Adkins, Jr.	Henry C. Hale	Hobart Rayburn
Henry Arrowood	Eugene B. Hancock	Tipton Reed
J. Everett Bach	George F. Harris	J. F. Robinson
John Rhea Banton	John Head	Earl Rogers
John Rea Banton	Farmer Helton	Joe Rouse
Clarence J. Barnum	William K. Henry	Carl J. Ruh
Owen Billington	Thomas D. Hewlett	Amos Runyon
Wm. W. Blanton	Henry R. Heyburn	Cecil Sanders
R. O. Blevins	E. R. Hilton	Clem Schroader
J. C. Bradley	Ray Holbrook	Gus F. Sheehan, Jr.
Ed. T. Breathitt	Chester J. Holsclaw	Dr. B. F. Shields
Edward O. Bridgers	William M. Horn	John A. Sloan
Thomas L. Britton	Paul S. Jonas	E. A. Spencer

Mrs. M. E. Burnete	William L. Jones	Mrs. Thelma Stovall
Alex H. Calvert	Jennings Kearby	E. H. (Ted) Stumbo
Walter J. Chyle, Jr.	James W. Lambert	Egbert V. Taylor
Lewis W. Combest	Jesse H. Lawrence	Albert Thomason
Marvin A. Cornett	Paul M. Lewis	William F. Threlkeld
R. Josh Cosby	Mrs. J. T. Linton	Marion Vance
Charles M. Crowe	Harry K. Lowman	J. B. Veech
C. E. Dowell	William Maglinger	Eulick (Mike) Walsh
Jas. A. Dressman, Jr.	Shelby McCallum	Wm. Thos. Wathen
Thomas R. Duncan	G. Lee McClain	L. M. Weathers
R. L. Dunigan	Russell L. Meadows	W. W. Webster
Jack Early	Tom Mobley	Hicks Wells
Harold Edwards	Robert H. Moore	William B. Wells
William Engle	Walter R. Moorman	W. A. (Pete) Wickliffe
Roscoe Estep	Fred H. Morgan	Charles W. Wirsch
Herbert Fern	Earl F. Murphy	Walker H. Wiseman
Wm. P. Friedlander	Thomas J. Murphy	Garrett L. Withers
Leslie Gay	Ewin C. Neville	Charles W. Burnley,
Henry J. Giles	Bart N. Peak	Speaker

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Mr. Ruh moved that the absentees be granted a leave of absence.

Said motion was agreed to.

The absentees were as follows, viz: J. C. Denney, Jr., and Morris Weintraub.

Mr. Barnum moved that the reading of the Journal of the proceedings of Wednesday, February 13, 1952, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Vance moved that H. B. No. 51 be given its first reading, the report of the Committee to the contrary notwithstanding.

Said bill by its title is as follows, viz:

H. B. No. 51. AN ACT relating to the election of county school superintendents.

Mr. Holbrook rose to a point of order, and stated that H. B. No. 154 had been made a Special Order of business for 1:30 o'clock p.m. today.

The Speaker ruled that the point was well taken, the hour of 1:30 o'clock p.m. having arrived.

Thereupon the House took up from the Orders of the Day, H. B. No. 154 for consideration, a bill of the following title, viz:

H. B. No. 154. AN ACT relating to Service and Sale of natural gas to owners of property where gas wells or gas pipe line are located.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Every gas pipe line company in this state shall, upon the request of the owner of the property where any gas well or gas pipe line is located, furnish service to such owner at rates determined by the Public Service Commission.

Mr. Holbrook moved that the committee substitute to H. B. No. 154 be adopted, said substittue is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Every gas pipe line company in this state, obtaining gas from wells located within this state, shall, upon the request of the owner of the property where any gas well or gas pipe line is located, furnish service to such owner at rates determined by the Public Service Commission.

Said motion was agreed to.

Said substitute was adopted.

Mr. Holbrook moved the Previous Question.

Whereupon, the Speaker announced, "shall the Main Question be now put?"

Ordered that said bill be read at length for the third time.

Mr. Holbrook moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and the same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in acordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Leslie Gay	Hobart Rayburn
Dr. John Adkins, Jr.	Henry J. Giles	Tipton Reed
Henry Arrowood	Chas. M. Greene	J. F. Robinson
J. Everett Bach	Henry C. Hale	Earl Rogers
Sidney Baer	Eugene B. Hancock	Joe Rouse
John Rhea Banton	George F. Harris	Carl J. Ruh
Clarence J. Barnum	Farmer Helton	Amos Runyon
Wm. W. Blanton	Thomas D. Hewlett	Cecil Sanders
R. O. Blevins	E. R. Hilton	Clem Schroader
J. C. Bradley	Ray Holbrook	Gus F. Sheehan, Jr.
Ed. T. Breathitt	Chester J. Holsclaw	Dr. B. F. Shields
Edward O. Bridgers	William M. Horn	John A. Sloan
Thomas L. Britton	Paul S. Jonas	E. A. Spencer
Mrs. M. E. Burnete	William L. Jones	Mrs. Thelma Stovall
Alex H. Calvert	Jennings Kearby	E. H. (Ted) Stumbo
Walter J. Chyle, Jr.	James W. Lambert	Albert Thomason
Lewis W. Combest	Jesse H. Lawrence	William F. Threlkeld
Marvin A. Cornett	Paul M. Lewis	Marion Vance
R. Josh Cosby	Mrs. J. T. Linton	J. B. Veech
Charles M. Crowe	Harry K. Lowman	Eulick (Mike) Walsh
Jas. A. Dressman, Jr.	Shelby McCallum	Wm. Thos. Wathen
Thomas R. Duncan	G. Lee McClain	L. M. Weathers
R. L. Dunigan	Robert H. Moore	W. W. Webster
Jack Early	Walter R. Moorman	Hicks Wells
Harold Edwards	Earl F. Murphy	William B. Wells
William Engle	Thomas J. Murphy	W.A.(Pete)Wickliffe

Roscoe Estep	Ewin C. Neville	Charles W. Wirsch
Herbert Fern	Bart N. Peak	Walker H. Wiseman
Wm. P. Friedlander	Louis T. Peniston	Garrett L. Withers

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Those who voted in the negative were—

William Maglinger	Russell L. Meadows	Egbert V. Taylor

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Cosby moved that the motion made by Mr. Vance be tabled.

Said motion was disagreed to.

Two members, Mr. Vance and Greene, having requested that a roll call be taken on the previous motion by Mr. Vance.

The yeas and nays being taken on the motion by Mr. Vance to give H. B. No. 51 a first reading, are as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Harold Edwards	Jesse H. Lawrence
Henry Arrowood	William Engle	Ewin C. Neville
J. Everett Bach	Chas. M. Greene	Louis T. Peniston
Sidney Baer	Henry C. Hale	J. F. Robinson
John Rhea Banton	Eugene B. Hancock	Earl Rogers
Clarence J. Barnum	George F. Harris	Clem Schroader
Owen Billington	John Head	Gus F. Sheehan, Jr.
Thomas L. Britton	Farmer Helton	Dr. B. F. Shields
Walter J. Chyle, Jr.	Thomas D. Hewlett	John A. Sloan
Lewis W. Combest	Henry R. Heyburn	E. A. Spencer
Charles M. Crowe	Ray Holbrook	Mrs. Thelma Stovall
Jas. A. Dressman, Jr.	William M. Horn	E. H. (Ted) Stumbo
Thomas R. Duncan	William L. Jones	Egbert V. Taylor
R. L. Dunigan	Jennings Kearby	William F. Threlkeld
Jack Early	James W. Lambert	Marion Vance

Roscoe Estep	Paul M. Lewis	Eulick (Mike) Walsh
Herbert Fern	Shelby McCallum	W. W. Webster
Wm. P. Friedlander	Earl F. Murphy	Hicks Wells
Henry J. Giles	Thomas J. Murphy	Charles W. Wirsch

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Those who voted in the negative were—

Dr. John Adkins, Jr.	Walter R. Moorman	Wm. Thos. Wathen
R. O. Blevins	Bart N. Peak	L. M. Weathers
Ed. T. Breathitt	Hobart Rayburn	W. A. (Pete) Wickliffe
Marvin A. Cornett	Amos Runyon	Walker H. Wiseman
R. Josh Cosby	Cecil Sanders	
William Maglinger	Albert Thomason	

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Thereupon H. B. No. 51 was read at length for the first time and placed in the Calendar.

Mr. Sloan moved that H. B. No. 212, which was in the Calendar, be recommitted to the Committee on Agriculture for further study and consideration.

Said motion was agreed to.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced, viz:

By Mr. Spencer, Adams, Arrowood, Withers, Bridgers, Walsh, Baer and Mrs. Stovall.

H. Res. No. 37. JOINT RESOLUTION for the benefit of officers and employes of the Senate and the House of Representatives; and declaring an emergency.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That there is hereby appropriated from the Legislative Session Fund additional allowances to cover necessary expenses for the following employes and officers of the

Senate and House of Representatives, viz: Assistant Clerks, Enrolling Clerks, Sergent-at-Arms, Doorkeepers, Cloakroom Keepers, Janitors and Pages, to that compensation provided in KRS 6.230, the sum of $23,400.00.

Section 2. That the Chief Clerk of the Senate shall requisition and the Commissioner of Finance shall draw a warrant for the sum of $10,500.00 on the State Treasurer of the Commonwealth of Kentucky in favor of the Chief Clerk of the Senate. Such Chief Clerk shall forthwith distribute such expense allowances on the basis of the number of days that such employes and officers served during the regular session of the General Assembly in the year 1952, the total to be computed at the rate of five dollars per day.

Section 3. The Chief Clerk of the House of Representatives shall requisition and the Commissioner of Finance shall draw a warrant for the sum of $12,900.00 on the State Treasurer of the Commonwealth of Kentucky in favor of the Chief Clerk of the House of Representatives. Such Chief Clerk shall forthwith distribute to the employes and officers of the House of Representatives such expense allowances on the basis of the number of days that such employes and officers served during the regular session of the General Assembly in 1952, the total to be computed at the rate of five dollars per day.

All Acts or parts of Acts in conflict herewith to the extent of such conflict are hereby repealed.

WHEREAS, the General Assembly will within a short time adjourn and the employes and officers will depart for various sections of the state, an emergency is hereby declared to exist, and this resolution shall be effective from and after its passage and approval by the Governor of the Commonwealth.

Said resolution was ordered printed and referred.

By Mr. Calvert.

H. Res. No. 38. A JOINT RESOLUTION authorizing Oscar Crawford, of Hardin County, to sue the Department of Highways and the Commonwealth of Kentucky, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Oscar Crawford, of Hardin County, is authorized to sue the Department of Highways and the Commonwealth of Kentucky, or either, in the Hardin Circuit Court, for property damages caused by the construction of a highway by the Department of Highways.

Section 2. Said suit shall be for a sum not in excess of $10,000.

Section 3. The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 4. In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky. No plea of limitations shall be interposed.

Said resolution was ordered printed and referred to the Committee on Claims.

By Mr. Rogers.

H. B. No. 344. AN ACT providing uniforms for sheriffs and their deputies.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The fiscal court of each county shall adopt a distinctive and easily identifiable uniform to be worn by the sheriff of the county and his deputies. Initially the sheriff and each deputy shall be furnished at least two uniforms, and thereafter they shall be replaced with reasonable frequency. All uniforms shall be furnished free of charge by the fiscal court.

(2) The sheriff and his deputies shall wear their uniforms at all times that they are normally on duty.

Said bill was ordered printed and referred.

By Mr. Rogers.

H. B. No. 345. AN ACT changing the classification of the city of Loyall, in Harlan County.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the City of Loyall, in Harlan County, is transferred from the sixth to the fifth class cities.

Said bill was ordered printed and referred.

By Mr. Helton.

H. B. No. 346. AN ACT relating to civil jurisdiction of quarterly and justices' courts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 25.410 of the Kentucky Revised Statutes is amended to read as follows:

In civil cases the quarterly court has jurisdiction concurrent with justices' and police courts of all actions within its county for the recovery of money or personal property, where the value in controversy is two hundred dollars or under, exclusive of interest and costs, and concurrent jurisdiction with circuit courts of all such actions where the value in controversy is over fifty and not more than five hundred dollars, exclusive of interest and costs.

Section 2. Section 25.610 of the Kentucky Revised Statutes is amended to read as follows:

Justices' courts have jurisdiction concurrent with circuit and quarterly courts of all civil actions for the recovery of money or personal property where the value in controversy, exclusive of interest and costs, does not exceed two hundred dollars; jurisdiction, exclusive of circuit courts and concurrent with quarterly

courts, of all civil actions for the recovery of money or personal property where the value in controversy, exclusive of interest and costs, does not exceed fifty dollars; jurisdiction, concurrent with quarterly courts, of motions against constables for failing to discharge their duty; and any other civil jurisdiction conferred upon them by law.

Said bill was ordered printed and referred.

By Mr. Stumbo.

H. B. No. 347. AN ACT relating to chicken and dog fighting.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) Any person who, for profit, causes any chicken cocks to fight shall pay an annual license fee of one hundred dollars. The license shall be issued, on application, by the Department of Revenue, and it shall be issued on a fiscal year basis.

(2) Any person licensed under subsection (1) of this section shall pay a tax of 15% on the price of all admission.

(3) KRS 436.440 to 436.470 shall not apply to the premises of any person licensed under subsection (1) of this section.

(4) Any person licensed under subsection (1) of this section who accepts bets on the outcome of chicken fights conducted on his premises shall pay a tax of 15% on the total sum of all bets made and handled by him.

Section 2. The Department of Revenue is authorized and directed to prescribe regulations for the collection of the tax levied in section 1 of this Act.

Section 3. Any person violating section 1 of this Act or any of the regulations promulgated under section 2 shall be fined not less than $200 nor more than $1000 and be imprisoned for not more than six months.

Section 4. All revenue accruing under the provisions of section 1 of this Act shall be paid into the General Fund and credited to the Common School Per Capita Fund.

Section 5. Section 436.190 of the Kentucky Revised Statutes is amended to read as follows:

Any person who, for profit, causes dogs to fight, keeps any house or place to be used for dog fighting, bets upon any dog fight, or furnishes any dog to be used in a dog fight shall be fined not less than ten dollars nor more than one hundred dollars.

Said bill was ordered printed and referred.

By Mr. Sheehan.

H. B. No. 348. AN ACT relating to the purchase or attempted purchase of alcoholic beverages by minors.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No minor shall purchase or attempt to purchase any alcoholic beverage within this state and any minor violating this section shall be considered a delinquent.

Said bill was ordered printed and referred.

By Mr. Dowell and J. R. Bonton.

H. B. No. 349. AN ACT relating to malt beverages tax.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (3) of section 243.720 of the Kentucky Revised Statutes is amended to read as follows:

(3) There is levied upon the sale or distribution by sale or gift of malt beverages an excise tax of $2.75 on each barrel of thirty-one gallons and a proportional rate per gallon on malt beverages sold or distributed in any container of more or less than thirty-one gallons.

Said bill was ordered printed and referred.

By Mr. Horn.

H. B. No. 350. AN ACT relating to motor transportation and motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of Chapter 281 of the Kentucky Revised Statutes is hereby enacted to read as follows:

Every holder of a certificate of public convenience and necessity issued by the Department of Motor Transportation authorizing the transportation of persons or property for hire, which certificate authorizes service at a point that is also a point at which service is authorized under the terms of any other certificate of the same type held by the same person, is authorized to transport persons or property, as the case may be, for hire, from any point on either of said certificated routes to any point on any other such connecting certificated route or routes, unless such service be restricted by the terms of any of said certificates.

Section 2. It is the purpose of this Act to further clarify the provisions of Chapter 281 relating to the application of the administrative and judicial interpretations of the Federal Motor Carrier Act to the administration of Chapter 281 of the Kentucky Revised Statutes.

Said bill was ordered printed and referred.

By Mr. Sheehan.

H. B. No. 351. AN ACT relating to public ways and public works in cities other than the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) Section 94.360 of the Kentucky Revised Statutes is amended to read as follows:

(1) The city legislative body in cities of the second, third, fourth, fifth and sixth classes shall, by itself or through a department of public works or a superintendent of public works as provided by law, have and exercise exclusive control over the public ways, landings, wharves and public grounds of the city. It may establish, open, alter, widen, extend, close, grade, pave, repave, clean, sprinkle and repair the same, prevent and remove encroachments thereon or obstructions thereof, put drains and sewers in the same, regulate or prohibit the building of vaults and areas under sidewalks, and enforce and regulate connection with sewer, gas and water mains and conduits of all kinds laid in or under the public ways of the city.

Said bill was ordered printed and referred.

By Mr. Friedlander.

H. B. No. 352. AN ACT relating to Fire Insurance.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Commissioner of Insurance may, upon his own motion or upon the written complaint by a municipality or other legal entity operating a fire department, or other fire protection system, which is composed of trained men, or upon the complaint of any aggrieved person, investigate the necessity for reduction of fire insurance rates.

Section 2. The complaint shall be in writing and shall show that a record has been kept of fire protection and losses for a period of five years or shall show that a fire protection system has been newly installed and that such fire protection system meets the standards prescribed by the Department of Insurance.

Section 3. Upon receipt of such a complaint, the commissioner shall set a date for a public hearing in the county in which the complainant is located, and shall notify the rating bureau or bureaus doing business in the areas affected by registered mail who in turn shall notify the stock fire insurance companies affiliated with such rating bureau and all other stock

fire insurance companies which may be affected. The date for such hearing shall be not less than thirty days, nor more than sixty days after the receipt of such complaint.

Section 4. If the commissioner finds after such a public hearing that there has been an aggregate profit in excess of a reasonable amount based upon the experience of such rating bureau or stock fire insurance companies, then he shall order a reduction in fire insurance rates which will provide a reasonable profit to the Stock Fire Insurance Companies.

Section 5. In determining the question of reasonable profits under this Act, the commissioner shall give proper consideration to premiums, losses and liabilities and records of same, both within and without this state.

Section 6. The commissioner shall within thirty days after the close of any hearing, as herein provided, file a written order, a copy of which shall be delivered by registered mail to the complainant, to the rating bureau and to any other party in interest to the proceedings.

Section 7. (1) Any party aggrieved by the order of the commissioner within the provisions of this Act may, within sixty days after such an order has become final, appeal therefrom to the circuit court of the county in which the hearing was held by filing a petition for review in such court and serving a copy thereof upon the commissioner and other parties in interest, if any.

(2) The petition shall state fully the grounds upon which a review is sought, assign all errors relied on and be verified by the petitioner. Summons shall issue, upon the petition, directing the adverse party or parties to file answer within fifteen days after service thereof, and directing the commissioner to certify to the court the complete record of the proceedings, if any, upon which such order is based.

(3) Such appeal shall be heard by the Chancery Branch of such circuit court and an appeal may be taken therefrom to the Court of Appeals as in other civil cases.

Section 8. This Act does not apply to mutual fire insurance companies.

Said bill was ordered printed and referred.

By Mr. Giles.

H. B. No. 353. AN ACT relating to the location of bus stops.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No bus company shall establish or use any bus stop within fifty feet of a railroad crossing unless it be a bus station so located that the busses may pull completely off the highway in such manner that the normal flow of motor vehicle traffic is in no way impeded.

Section 2. Any bus company violating the provisions of section 1 of this Act shall be fined not less than one hundred nor more than five hundred dollars, and for continued violation shall have revoked the certificate under which it operates.

Said bill was ordered printed and referred.

By Mr. Lewis.

H. B. No. 354. AN ACT relating to penalties for failure to remove weeds, shrubs, hedge, limbs and bushes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (5) Section 179.990 of the Kentucky Revised Statutes is repealed.

Said bill was ordered printed and referred.

By Mr. Adkins and Runyon.

H. B. No. 355. AN ACT relating to circuit court districts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (35) of Section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

(35) Pike County, at Pikeville, continuous session.

Section 2. Whereas, the exigencies of practice in the said Pike County Circuit Court make necessary the immediate establishment of said court as a court of continous session;

An emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

Said bill was ordered printed and referred.

By Mr. Kearby, Peak, Sanders, Wicliffee, Breathitt, Friedlander, Peniston, Heyburn, Hewlett, Cornet, Helton and Withers.

H. B. No. 356. AN ACT relating to the practice of law and the State Bar Association, amending Section 30.170 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 30.170 of the Kentucky Revised Statutes is hereby amended to read as follows:

"(1) The Court of Appeals shall adopt and promulgate rules:

(a) Defining the practice of law;

(b) Prescribing a code of ethics governing the professional conduct of attorneys and the practice of law;

(c) Establishing practice and procedure for disciplining, suspending and disbarring attorneys;

(d) Organizing and governing a Bar Association of the attorneys of the state to act as an administrative agency of the

Court of Appeals for the purpose of enforcing such rules as are adopted and promulgated by the court under this section; providing for the government of the State Bar as a part of the judicial department of the state government, and for such divisions thereof as the Court of Appeals determines; requiring all persons practicing law in this state to be members in good standing of the State Bar; and fixing the form of its organization and operation;

(e) Fixing fees not to exceed ten dollars per year to be paid for the purpose of administering this section and the rules adopted and promulgated under it, and for the collection and disbursement of such fees.

(2) The rules of court adopted and promulgated under this section shall supersede all laws or parts of laws in conflict therewith, to the extent of the conflict.

(3) No rule adopted and promulgated under this section shall prevent a person not holding himself out as a practicing attorney from writing a deed, mortgage or will, or prevent a person from drawing any instrument to which he is a party."

Said bill was ordered printed and referred.

By Mr. Peniston, McCallum, Kearby, Billington, Neville, Lambert, Sanders, Reed, Breathitt.

H. B. No. 357. AN ACT relating to the establishment of a criminal identification section in the Department of State Police.

Said bill is as follows, viz:

SECTION 1.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The Commissioner of the Department of Kentucky State Police shall establish, equip and maintain a criminal identification section for the purpose of receiving and filing fingerprints, photographs and other records pertaining to the investigation of crime and the apprehension of criminals, as hereinafter provided.

(2) Officers of the Department of State Police, sheriffs, deputy sheriffs, constables, deputy constables, and all other peace officers including special local peace officers shall take or cause to be taken the fingerprints and descriptions of all persons arrested or detained by them when such person is charged with an offense of which the penalty is death or confinement in a penal or correctional institution or when they have reason to believe such person is a fugitive from justice or an habitual criminal or where deemed necessary for purposes of subsequent identification and shall forward the same to the Department of State Police on forms approved by that Department. All such officers shall submit to the Department of State Police a report of final disposition concerning any case held for court, or in any case in which disposition thereof has not been previously furnished to said Department. Such report of final disposition shall be made on forms furnished or approved by the Department.

(3) Any person who has been fingerprinted in accordance with the provisions of this Act who is acquitted of the charges upon which he or she was arrested or detained, may, upon the presentation of satisfactory proof to the Department of State Police, have such fingerprints returned to them.

(4) Persons in charge of penal or correctional institutions in this state shall take, or cause to be taken, the fingerprints and description of all persons lawfully committed thereto or confined therein and forward the same to the Department of State Police on forms furnished or approved by the Department.

(5) The Department of State Police shall notify the arresting officer if it is determined by a comparison of fingerprints that any person has a previous criminal record, or is a fugitive from justice. The Department shall cooperate with all state, county and city law enforcement officials of this State and with identification bureaus of other states and of the United States to develop and carry on a complete interstate, national and international system of criminal identification. It may furnish copies of the fingerprints of persons arrested in this state to the identification bureau of the Federal Bureau of Investigation of the

United States and to other states for the purpose of ascertaining if such persons have been previously arrested or convicted of crime.

(6) The Commissioner of State Police shall file a complaint in the Circuit Court of Franklin County against any official named in this Act who is derelict in any of the duties required by this Act. The Judge of said Circuit Court shall hold immediate hearing thereon and investigation thereof, and upon the order of said Circuit Court the proper disbursing officer shall not issue any salary voucher or pay voucher to any said official found by the said Judge of the Circuit Court of Franklin County to be derelict in the performance of the duties provided by this enactment until such dereliction has been corrected.

SECTION 2. Section 196.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Welfare shall, unless otherwise provided by law, exercise all functions of the state in relation to:

(a) Management of penal and eleemosynary institutions;

(b) Administration and supervision of all forms of public assistance, including general home relief, outdoor and indoor care for persons in need, old age assistance, aid to dependent children, the blind and otherwise handicapped;

(c) The supervision of agencies and institutions caring for dependent, mentally or physically handicapped, or aged adults;

(d) The approval of the incorporation of charitable agencies and welfare activities or services;

(e) The administration and supervision of all child welfare activities except those vested in the Department of Health;

(f) Inspection of private and local public child care agencies and institutions and the control of state institutions for children and supervision of juvenile probation;

(g) The care of dependent, neglected and delinquent children in homes or institutions;

(h) The administration and supervision of all mental hygiene work, including the operation of all state institutions for the care of mentally ill and feeble-minded persons and provisions for their noninstitutional care;

(i) The giving of welfare service to county governments, including the organization and supervision of county welfare departments for the effective administration of welfare functions and the compilation of statistics and necessary information relative to public welfare problems throughout the state;

(j) The giving of assistance to other departments, agencies and institutions of the state and federal government when requested, by performing services in conformity with this section;

(k) Acting as the agent of the Federal Government in welfare matters of mutual concern, and in the administration of any Federal funds granted to the state to aid in the performance of any function to this department;

(l) Designation of county departments to serve as agents in the performance of state welfare activities in the county.

(2) The provisions of this section shall not apply to any institution, home or agency which does not receive aid from the state, or a county or municipality.

SECTION 3. Section 196.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department shall be divided into:

(a) A Division of Public Assistance, headed by a director who is thoroughly trained and experienced in welfare work;

(b) A Division of Child Welfare, headed by a director who is thoroughly trained and experienced in child welfare work;

(c) A Division of Corrections, headed by a director who is thoroughly trained and experienced in penology and prison management;

(d) A Division of Probation and Parole, headed by a director who is thoroughly trained and experienced in probation and parole work;

(e) A Division of Hospitals and Mental Hygiene, headed by a director who is a graduate physician of good character and reputation and who has had at least five years' experience in the institutional care and treatment of the insane or feeble-minded;

(2) The divisions shall be under the direction of the Commissioner of Welfare.

SECTION 4. Section 196.090 of the Kentucky Revised Statutes is repealed.

Said bill was ordered printed and referred.

By Mr. Peniston, Kearby, Neville, Lambert, Sanders, Reed, Breathitt, and McCallum.

H. B. No. 358. AN ACT concerning criminal statistics and to Make Uniform the Law with Reference Thereto.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A Bureau of Criminal Statistics (called the Bureau) is established in the Department of State Police.

SECTION 2. The Commissioner of the Department of State Police shall designate an officer as Director of the Bureau. The Director shall have statistical training and experience and possess a knowledge of criminal law enforcement and administration and of penal and correctional institutions and methods. He shall be furnished with the necessary facilities and equipment and shall be provided with clerical and other assistants necessary for the work of the bureau.

SECTION 3. The director shall:

(1) Collect data, necessary for the work of the bureau, from all persons and agencies mentioned in Section 4.

(2) Prepare or approve forms to be used in reporting data to the bureau. The forms shall provide for items of information needed by the Federal Bureau of Investigation

and other federal bureaus or departments engaged in the development of national criminal statistics.

(3) Prescribe the form and content of records to be kept by such persons and agencies to insure the correct reporting of data to the bureau.

(4) Instruct such persons and agencies in the installation, maintenance and use of such records and in the manner of reporting to the bureau.

(5) Supply data, at their request, to federal bureaus or departments engaged in collecting criminal statistics.

SECTION 4. Every constable, city marshal, chief of police; railroad police; sheriff, coroner; jail keeper, justice of the peace, magistrate, judge, county attorney, commonwealth attorney, court clerk, probation officer, parole officer, warden or superintendent of a prison, reformatory, correctional school, mental hospital or institution for the feeble minded; school attendance officer, attorney general, department of alcoholic beverage control, Division of Game and Fish, Department of Highways, Military Department, Department of Motor Transportation, Department of State Police, Department of Welfare, Division of Vital Statistics, and every other person or agency, public or private, dealing with crimes or criminals or with delinquency or delinquents, when requested by the Commissioner shall:

(1) Install and maintain records needed for reporting data required by the bureau.

(2) Report as the Commissioner prescribes, all data demanded by him.

(3) Give the Commissioner or his accredited agent access to records for purpose of inspection.

(4) Cooperate with the Commissioner to the end that his duties may be properly performed.

SECTION 5. (1) The Commissioner of State Police shall annually present to the Governor, on or before July 1st, a printed report containing the criminal statistics of the

preceding calendar year; and present at such other times as he may deem wise or the Governor may request, reports on special aspects of criminal statistics.

(2) The annual report of the Commissioner shall contain statistics showing:

(a) The number and the types of offenses known to the public authorities;

(b) The personal and social characteristics of criminals and delinquents; and

(c) The administrative action taken by law enforcement, judicial, penal and correctional agencies in dealing with criminals and delinquents.

(3) The Commissioner shall so interpret such statistics and so present the information that it may be of value in guiding the legislature and those in charge of the apprehension, prosecution and treatment of criminals and delinquents, or those concerned with the prevention of crime and delinquency. The report shall include statistics that are comparable with national criminal statistics heretofore mentioned.

(4) Copies of all reports shall, at their request, be distributed to peace officers or other public officials in the state dealing with crime or criminals and may be given general distribution in the interest of public enlightenment.

SECTION 6. The Commissioner of State Police shall file a complaint in the Circuit Court of Franklin County against any official named in this Act who is derelict in any of the duties required by this Act. The judge of said Circuit Court shall hold immediate hearing thereon and investigation thereof, and upon the order of said Circuit Court the proper disbursing officer shall not issue any salary voucher or pay voucher to any said official found by the said Judge of the Circuit Court of Franklin County to be derelict in the performance of the duties provided by this enactment until such dereliction has been corrected.

SECTION 7. This Act shall be so construed as to make uniform the law of those states which enact it.

SECTION 8. This Act may be cited as the Uniform Criminal Statistics Act.

Said bill was ordered printed and referred.

By Mr. Wickliffe, Stumbo, Wiseman and Vance.

H. B. No. 359. AN ACT relating to judicial districts, creating an additional district, etc.

Said bill is as follows, viz:

Now, therefore be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Twenty-seventh Judicial District shall hereafter be composed of the counties of Knox and Laurel.

Section 2. The Thirty-fourth Judicial District shall hereafter be composed of the counties of Whitley and McCreary.

Section 3.The Forty-first Judicial District shall hereafter be composed of the counties of Clay, Jackson and Leslie.

Section 4. A new Judicial District is established to consist of the County of Bell and numbered the Forty-second Judicial District.

Section 5. The present Circuit Judge and Commonwealth's Attorney for the Twenty-seventh Judicial District as now constituted shall retain their respective offices for the time for which they were elected, for the Twenty-seventh Judicial District as changed under this Act, provided the present Commonwealth's Attorney, being a resident of Clay County, shall not be allowed to retain his said office unless he shall remove his residence, within a reasonable time, into one of the counties of the Twenty-seventh Judicial District as changed under this Act.

Section 6. The present Circuit Judge and present Commonwealth's Attorney for the Thirty-fourth Judicial

District as now constituted shall retain their respective offices for the time for which they were elected, for the Thirty-fourth Judicial District as changed under this Act, as both live within one of the counties composing the Thirty-fourth Judicial District as changed under this Act.

Section 7. The present Circuit Judge and Commonwealth's Attroney for the Forty-first Judicial District as now constituted, shall retain their respective offices for the times for which they were elected, for the said Forty-first Judicial District, as it is changed under this Act, provided, that the present Commonwealth's Attorney for the present Forty-first Judicial District, being a resident of Bell County, shall not be allowed to retain his said office, unless he shall remove his residence, within a reasonable time, into one of the counties of the Forty-first Judicial District as now changed under this Act.

Section 8. The offices of Circuit Judge and Commonwealth's Attorney for the new Judicial District as established under this Act, being the Forty-second Judicial District, are hereby created. Until the regular election for Circuit Judges and Commonwealth's Attorneys, said offices shall be filled as provided in Section 152 of the Constitution for offices in which there is a vacancy.

Section 9. The regular term of each court in the judicial districts dealt with in this Act shall commence in each county at the following named times and places, and continue, if the business requires it, the number of days hereinafter prescribed:

27th DISTRICT

LAUREL COUNTY, At London, Second Monday in January, thirty juridical days; first Monday in April; first Monday in June; and first Monday in October, twenty-four juridical days each;

KNOX COUNTY, At Barbourville, third Monday in February, thirty juridical days; first Monday in May; first Monday in September; and first Monday in November, twenty-four juridical days each.

34th DISTRICT

WHITLEY COUNTY, at Williamsburg, second Monday in January, thirty juridical days; first Monday in April; first Monday in June, and first Monday in October, twenty-four juridical days each;

McCREARY COUNTY, at Whitley City, third Monday in February, thirty juridical days; first Monday in May; first Monday in September, and first Monday in November, twenty-four juridical days each.

41st DISTRICT

LESLIE COUNTY, at Hyden, second Monday in January; first Monday in May, and first Monday in October, twenty-four juridical days each.

CLAY COUNTY, at Manchester, first Monday in March; first Monday in June, and first Monday in November, twenty-four juridical days each.

JACKSON COUNTY, at McKee, first Monday in April; first Monday in September; and first Monday in December, twenty-four juridical days each.

42nd DISTRICT

BELL COUNTY, at Pineville and at Middlesboro, on the second Monday in January, and the first Monday in February, eighteen juridical days each; on the first Monday in March, twenty-four juridical days; on the first Monday in April and the first Monday in May, eighteen juridical days each; on the first Monday in June, twenty-four juridical days; on the first Monday in September, eighteen juridical days; on the first Monday in October, twenty-four juridical days; on the first Monday in November, eighteen juridical days.

THIS ACT SHALL TAKE EFFECT ON THE 11th day of August, 1952.

If any provisions or portions of this Act, or the applications of such provisions or portions to any judicial district or districts affected hereby should be held invalid, the re-

mainder of this Act and the application of such remaining provisions to any other judicial district or districts shall not be affected thereby.

Said bill was ordered printed and referred.

COMMITTEE REPORTS

Mr. Gus F. Sheehan, Jr., Chairman of the Committee on Claims, to which same had been previously referred, reported a bill of the following title, viz:

H. R. No. 28. A JOINT RESOLUTION authorizing Polly Darnell, administratrix of the Estate of Jessie Myers Darnell, deceased, to sue the Commonwealth of Kentucky.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. L. M. Weathers, Chairman of the Committee on Cities of the Fifth Class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 237. AN ACT relating to collection of taxes in fifth-class cities.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Louis T. Peniston, Chairman of the Committee on Courts and Legal Procedure, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 168. AN ACT applying to the admissibility of evidence in actions to recover damages for personal injury and property damage, or both.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. J. C. Bradley, Chairman of the Committee on Charitable, Penal and Reformatory Institutions, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 254. AN ACT relating to inspection of state mental institutions.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Russell L. Meadows, Chairman of the Committee on Mines, Oils and Minerals, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 158. AN ACT relating to mines and minerals.

With the expression of opinion that same should pass with Committee amendments.

The amendments are as follows:

Amendment No. 1—On page 49, section 38, line 3—"Delete paragraphs (1) and (2)."

Amendment No. 2—On page 47, section 35, sub-section (2), line 14—"After the word 'the', insert the word 'immediate'."

Amendment No. 3—On page 44, section 31, line 3—"Strike the word 'six' and substitute in lieu thereof the word 'nine'."

Amendment No. 4—On page 38, section 28, line 84—"After the word 'other' strike the balance of the sentence and substitute thereof the following 'and with the hole stemmed solidly for a depth of at least twenty-four inches'."

Amendment No. 5—On page 34, section 27, line 4—"After the word 'for' add the word 'face'."

Amendment No. 6—On page 33, section 26, sub-section 2a, line 101—"After the word 'feet' add the words 'or more'."

Amendment No. 7—On page 31, section 26, sub-section (1), line 52—"Strike the comma and add the following 'except non-

metallic pipes, or pipes using insulated type couplings or pipes installed remotely from track or power systems'."

Amendment No. 8—On page 31, section 26, sub-section (h), line 37—"Strike the word 'four' and substitute in lieu thereof the word 'six'."

Amendment No. 9—On page 27, section 15, line 66—"After the word 'warrant', place a period, and strike out the remainder of the paragraph; and in lieu thereof, add the following: 'Such belt shall be stopped while men are boarding or leaving, unless the speed does not exceed one hundred and seventy-five feet per minute and the clearance from floor to roof is not less than four feet and ten inches at points of loading and unloading.' "

Amendment No. 10—On page 26, section 22, sub-section (9), line 39—"After the word 'tools' add the following words 'except small hand tools' and line 40, after the word 'man-trip', add the following words 'unless in a separate, enclosed compartment of the car'."

Amendment No. 11—On page 26, section 22, sub-section 6, line 32—"After the word 'man-trip' add the following words 'consisting of more than one mine car of men'."

Amendment No. 12—On page 21, section 17, sub-section 2, line 18—"After the word 'certain' and before the word 'conditions', add the word 'special'."

Amendment No. 13—On page 19, section 16, sub-section (5), line 43—"Add after the word 'mine' the following words, 'or a section or sections'; and line 45, after the word 'mine' the following words 'or from the affected section or sections'; and page 20, line 46, after the word 'mine', add the following words 'or the affected section or sections'."

Amendment No. 14—On page 18, section 15, line 82—"Add the following sentence: 'A period of not more than ninety days from date of notification shall be allowed to make the changes required.' "

Amendment No. 15—On page 16, section 2, line 24—"Strike the word 'and' and on page 16, section 2, line 25 after the word

'headings' add the following: 'and through the last open break through.'."

Amendment No. 16—On page 15, section 14, line 21—"After the word 'lessee' insert the following: 'operating a mine and'

Amendment No. 17—On page 15, section 14, line 16—"Delete the sentence and substitute in lieu thereof the following sentence: 'When the annual report of the operator and the annual mine map, as required by this act are properly submitted, to the department, the license shall be issued.'"

Amendment No. 18—On page 14, section 14, line 9—"Insert the word 'printed' before form."

Amendment No. 19—On page 14, section 13, line 21—"Add the following: 'If a scale inspection is requested, and the scales are found to be in tolerance, the party making the request shall be required to pay for such inspection. The accepted tolerance shall be the tolerance established by the law of The Commonwealth of Kentucky.'"

Amendment No. 20—On page 6, section 4, line 41—"Add subsection (12) as follows: 'The Chief of the Department of Mines and Minerals shall have the power and authority to adopt, amend, or rescind such rules, regulations, and standards as he deems necessary and suitable for the proper administration of the Department of Mines and Minerals. Rules, regulations, and standards may be adopted, amended, or rescinded by the Chief of the Department of Mines and Minerals only after public hearing or an opportunity to be heard thereon of which proper notice has been given. Proper notice shall be considered to have been given when published in two newspapers of state-wide circulation and a lapse of ten days from the date of such publication. Such rules, regulations, and standards so adopted shall carry the full force and effect of law. This provision shall not be applicable to rules, regulations, and standards in effect at the time of the approval of this act by the Governor'."

Amendment No. 21—On page 6, section 4, line 39, etc.—"By inserting the words 'the use of explosives, electrical and mechanical equipment in' and so that when amended same

shall read: '(11) The Chief of the Department may prescribe reasonable safety standards governing the use of explosives, electrical and mechanical equipment in the operation of open-pit or surface mines.'"

Amendment No. 22—On page 1, section 1, line 11—"By adding the word 'sale', the word 'commercial use'."

Amendment No. 23—On page 1, section 1, line 11—"Add the following sentence: 'This term shall in no instance be construed to include a farm mine where coal is produced for own use.'"

Mr. Amos Runyon, Chairman of the Committee on Education, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 130. AN ACT relating to school teachers.

With the expression of opinion that same should not pass.

No motion having been made to give said bill a first reading, the report of the committee to the contrary notwithstanding, it was ordered that said bill be not read the first time, and

So said bill was rejected.

CALENDAR

The House took up for consideration from the Calendar, House Bills and Senate Bills of the following titles, viz:

H. B. No. 39. AN ACT RELATING TO public library service and making an appropriation therefor.

H. B. No. 165. AN ACT relating to the fees of jailers; amending KRS 64.150.

H. B. No. 215. AN ACT relating to the Statute of Frauds.

H. B. No. 94. AN ACT relating to the qualifications and licensing of dentists.

H. B. No. 282. AN ACT authorizing payment of traveling expenses of certain public officers and employees of counties containing cities of the first class.

H. B. No. 262. AN ACT CONCERNING THE PLACING OF FIRE HYDRANTS IN THE PUBLIC WAYS IN CITIES OF THE FIRST CLASS: THE LETTING OF CONTRACTS THEREFOR AND THE APPORTIONMENT OF COSTS THEREON.

H. B. No. 216. AN ACT relating to alleged mental incompetents.

H. B. No. 265. AN ACT TO FACILITATE VEHICULAR TRAFFIC IN THE COMMONWEALTH OF KENTUCKY BY PROVIDING FOR THE CONSTRUCTION, MAINTENANCE, REPAIR AND OPERATION OF BRIDGES: PROVIDING FOR THE CREATION OF BRIDGE COMMISSIONS IN CITIES OF THE FIRST CLASS AND CONFERING POWERS AND IMPOSING DUTIES UPON SAID COMMISSIONS: PROVIDING FOR FINANCING THE CONSTRUCTION OF SUCH BRIDGES BY THE ISSUANCE OF REVENUE BONDS OF SAID CITIES, PAYABLE SOLELY FROM TOLLS AND OTHER REVENUES: PROVIDING THAT NO DEBT OF SAID CITIES SHALL BE INCURRED IN THE EXERCISE OF ANY SUCH POWERS: PROVIDING FOR THE REVERSION OF CERTAIN EXISTING BRIDGES: PROVIDING FOR THE COLLECTION OF TOLLS AND OTHER REVENUES FROM ALL SUCH BRIDGES TO PAY SUCH BONDS AND THE INTEREST THEREON AND THE COST OF MAINTENANCE, REPAIR AND OPERATION: PROVIDING FOR THE ISSUANCE OF REVENUE REFUNDING BONDS: EXEMPTING FROM TAXES ALL SUCH BRIDGES AND BONDS: AND REPEALING KRS 181.010 (3) and 181.300 to 181.500 INCLUSIVE, RELATING TO BRIDGE COMMISSIONS IN CITIES OF THE FIRST CLASS.

H. B. No. 228. AN ACT relating to Workmen's Compensation.

H. B. No. 274. AN ACT relating to the office of Receiver of the circuit court in a county containing a population of 300,000 or over and providing for the payment of such officer's compensation in case the fees of the office are not sufficient to meet his salary.

H. B. No. 277. AN ACT relating to taxes on the production of crude petroleum, and particularly in respect of penalties relating thereto.

H. B. No. 279. AN ACT relating to the practice of chiropody.

H. B. No. 223. AN ACT TO FURTHER REGULATE MOTOR TRUCKS, SEMI-TRAILER TRUCKS, AND TRAILERS, CLARIFYING AND ENLARGING THE POWERS OF THE COMMISSIONER OF HIGHWAYS AND THE COUNTY JUDGES RELATING THERETO, AND AMENDING KRS 189.280.

H. B. No. 276. AN ACT relating to income taxation.

H. B. No. 278. AN ACT relating to the bank night awards tax.

H. B. No. 288. AN ACT amending Section 104.390 of the Kentucky Revised Statutes relating to the State Flood Control and Water Usage Board.

H. B. No. 289. AN ACT amending Section 146.090 of the KRS relating to the Soil and Water Resources Commission.

H. B. No. 271. AN ACT relating to the taxation of special fuels.

H. B. No. 275. AN ACT relating to the excise tax on gasoline.

S. B. No. 84. AN ACT amending Section 271.445 of the KRS.

S. B. No. 21. AN ACT relating to the time of holding session of circuit court in the 37th judicial district.

S. B. No.11. AN ACT to amend Section 23:050 (36) KRS 1950 Edition insofar as it relates to the time of holding the terms of circuit court in the 36th Judicial District, etc.

S. B. No. 45. AN ACT relating to the time of holding the regular terms of court for the 8th Circuit Court District, composed of Allen and Warren counties.

H. B. No. 269. AN ACT relating to police courts in cities of the second class.

H. B. No. 6. AN ACT to repeal, amend and re-enact section 95.768 KRS, 1946 Edition, providing for the establishment of a police and firemen's pension fund in cities of the fourth class and for the source, custody, investment and disbursement of said fund.

H. B. No. 222. AN ACT to Alimony and Divorce Actions, amending and reenacting section 423 of Carrolls Code of Civil Practice.

H. B. No. 268. AN ACT relating to compensation of jurors.

SENATE MESSAGE

A letter was received from the Senate announcing that H. B. 115 had been presented to the President of the Senate for his signature by the Enrolling Clerk, at which time a point of order was raised that H. B. 115 did not have an enacting clause in said bill, and thereupon the President of the Senate refused to sign said bill, and H. B. 115 was returned to the House for further action.

ORDERS OF THE DAY

Mr. Lowman, he having voted on the prevailing side, moved that the vote by which the clincher motion was applied to the passage of H. B. 115 be reconsidered.

Said motion was agreed to, by a majority of the members elected.

Mr. Lowman moved that the vote by which H. B. 115 was passed be reconsidered.

Said motion was agreed to, by a majority of the members elected.

Mr. Lowman moved that the vote by which the Previous Question was ordered on the passage on H. B. 115 be reconsidered.

Said motion was agreed to, by a majority of the members elected.

Mr. Lowman offered the following amendment to H. B. 115, as follows, viz:

Amendment No. 1. Amend printed copy of H. B. 115 on page 1, by inserting therein immediately following the title thereof the following:

" BE IT INACTED BY THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF KENTUCKY:"

Said motion was agreed to.

Said amendment was adopted.

Mr. Lowman moved that H. B. 115 be passed as amended, and further moved the Previous Question on the bill. (See page 18, insert 27 of Journal of February 1st for said bill and title.)

Whereupon, the Speaker announced, "shall the Main Question be now put?"

Ordered that said bill be engrossed and read at length for the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Edward O. Bridgers	R. L. Dunigan
Dr. John Adkins, Jr.	Thomas L. Britton	Jack Early
Henry Arrowood	Mrs. M. E. Burnete	Harold Edwards
J. Everett Bach	Alex H. Calvert	William Engle
Sidney Baer	Walter J. Chyle, Jr.	Roscoe Estep
John Rhea Banton	Marvin A. Cornett	Herbert Fern
Clarence J. Barnum	R. Josh Cosby	Wm. P. Friedlander
Owen Billington	Charles M. Crowe	Henry J. Giles
R. O. Blevins	Jas. A. Dressman, Jr.	Henry C. Hale
J. C. Bradley	Thomas R. Duncan	Eugene B. Hancock

George F. Harris	Shelby McCallum	Mrs. Thelma Stovall
John Head	G. Lee McClain	E. H. (Ted) Stumbo
Farmer Helton	Russell L. Meadows	Egbert V. Taylor
William K. Henry	Tom Mobley	Albert Thomason
Thomas D. Hewlett	Walter R. Moorman	William F. Threlkeld
Henry R. Heyburn	Earl F. Murphy	Marion Vance
Ray Holbrook	Thomas J. Murphy	J. B. Veech
Chester J. Holsclaw	Bart N. Peak	Eulick (Mike) Walsh
William M. Horn	Louis T. Peniston	Wm. Thos. Wathen
Paul S. Jonas	Hobart Rayburn	L. M. Weathers
William L. Jones	J. F. Robinson	W. W. Webster
Jennings Kearby	Joe Rouse	Hicks Wells
James W. Lambert	Carl J. Ruh	William B. Wells
Jesse H. Lawrence	Amos Runyon	W.A.(Pete)Wickliffe
Paul M. Lewis	Clem Schroader	Charles W. Wirsch
Mrs. J. T. Linton	Gus F. Sheehan, Jr.	Walker H. Wiseman
Harry K. Lowman	Dr. B. F. Shields	Garrett L. Withers
William Maglinger	John A. Sloan	—83

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 231. AN ACT relating to the selection and adoption of textbooks for use in public schools.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) On or before July 1, 1954, the Superintendent of Public Instruction shall classify the elementary and secondary school subjects included in the State Courses of Study as prescribed by the State Board of Education under seven

subject fields as follows: (a) Language Arts; (b) Social Studies; (c) Science and Health; (d) Mathematics; (e) Fine and Practical Arts; (f) Foreign Languages; (g) Vocational and Business Education. The Superintendent of Public Instruction shall arrange the seven subject fields into four adoption groups. The four adoption groups shall be arranged as nearly equal in number and purchase cost as possible.

(2) The schedule for the periods of adoption shall be as follows:

Adoptions in Group I shall be made in 1955 and the period of adoption shall be for four years.

Adoptions on Group II shall be made in 1955 and the period of adoption shall be for three years.

Adoptions in Group III shall be made in 1955 and the period of adoption shall be for two years.

Adoptions in Group IV shall be made in 1955 and the period of adoption shall be for one year.

Provided, however, in 1955 not more than one-half of the textbooks in use in any subject may be changed with the exception of the subjects in Group I in which all textbooks in use shall be adopted; or

Provided, further, that the State Textbook Commission, by mutual agreement with the textbook publishers now under contract with the State of Kentucky, may extend the present contracts as follows:

Contracts for all or part of the textbooks in use for the subjects in Group IV may be extended for a period of one year.

Contracts for all or part of the textbooks in use for the subjects in Group III may be extended for a period of two years.

Contracts for all or part of the textbooks in use for the subjects in Group II may be extended for a period of three years.

Upon the expiration of the periods of adoption or contract extensions as set in the aforesaid schedule for the periods of adoption and contract extensions in each of the above fields, adoptions shall be made for a period of four years for each adoption group in which textbooks for all the subjects shall be adopted.

Section 2. (1) The State Textbook Commission shall consist of the Superintendent of Public Instruction and eight appointive members. The eight members shall be appoined by the State Board of Education upon the recommendation of the Superintendent of Public Instruction for terms of four years, excepting the 1954 appointments. Eight members shall be appointed on or before July 1, 1954 for the following terms: two members for terms of one year; two members for terms of two years; two members for terms of three years; and two members for terms of four years. Beginning with 1955 and each year thereafter, upon the expiration of the terms of the appointees, two members shall be appointed for terms of four years. All vacancies that occur on the State Textbook Commission shall be filled in like manner for the remainder of the unexpired terms. Nothing contained herein shall be construed to affect the tenure of office of persons serving on the State Textbook Commission on the effective date of this Act.

(2) The appointive members of the State Textbook Commission shall have had not less than five years teaching or supervising experience in the public school of Kentucky and must have had at the time of their appointment at least four years of college training in a recognized institution of higher education. Five members of the Commission shall be classroom teachers actively employed in the public schools of Kentucky as teachers in subject field or fields for which the commission will select books. Two members shall be principals, supervisors, or superintendents of public schools or public school systems. One member shall be a member of the faculty of a public institution of higher education engaged in teacher education. In selecting the members of the State Textbook Commission the Superintendent of Public Instruction shall give due regard to representation from rural and urban areas and both elementary

and secondary level when both educational levels are included in the subject field or fields for which adoptions are to be made.

(3) Members of the State Textbook Commission shall serve without remuneration except reimbursement for their actual expenses while attending Commission meetings.

(4) The meetings of the State Textbook Commission shall be open to the public.

(5) Not later than July 15 each year the Superintendent of Public Instruction shall call the State Textbook Commission into session at the State Capitol. The members of the State Textbook Commission shall elect one of its members as chairman and shall adopt rules and regulations for the procedure of the Commission. The Superintendent of Public Instruction shall be the Secretary of the Commission.

Section_3. (1) The Superintendent of Public Instruction shall prepare minimum manufacturing standards and specifications, construct score cards, and formulate other criteria for use in the selection and adoption of textbooks in Kentucky.

(2) It shall be the duty of the Superintendent of Public Instruction to prepare all necessary forms for use in the selection and adoption of textbooks, such as advertising for textbook bids, forms for bids, bonds and contracts, and other forms.

(3) The State Board of Education upon the recommendation of the Superintendent of Public Instruction shall have authority to prescribe (1) rules and regulations pertaining to all textbook samples for use on the State and local levels; and (2) shall have authority to prescribe rules and regulations relating to the agents and representatives of textbooks as to the number participating and the methods and procedures for use in textbook adoptions on the State and local levels.

(4) The Superintendent of Public Instruction, on or before July 20 prior to any adoption year, shall properly advertise the subjects for which textbook adoptions will be made and notify the different publishers of the same. The publishers, on or before August 20, prior to any adoption year, shall file with the Superintendent of Public Instruction textbook samples, filing

fees, textbook bids and bonds, and other specified information relative to the books that they desire to offer for adoption.

Section 4. Before textbooks offered for adoption and use in public schools of Kentucky may be lawfully approved and listed by the State Textbook Commisison or purchased by any board of education, the person, firm or corporation offering the books for adoption and use shall file with the Superintendent of Public Instruction:

(1) Copies of all textbooks that the person, firm or corporation desires to offer for adoption and use, with a sworn statement of the list price, the lowest wholesale price and the lowest exchange price at which each of the books is sold in any adopting unit.

(2) A statement that all the books offered for sale, adoption, use and exchange do comply with the standards and specifications for textbooks designated by the Superintendent of Public Instruction as regards to paper, binding, printing, illustrations, subject matter, and other items included in the standards and specifications.

(3) Copies of any revision or special editions of the textbooks filed, with a statement describing in detail each point of difference from the regular edition filed, and the list price, the lowest wholesale price and the lowest exchange price at which the revision or special edition is sold anywhere in the United States.

(4) A fee of five dollars for each book filed except when a series of books is filed, in which case the fee shall be five dollars for the first book and one dollar for each additional book in the series. The fee provided by this subsection shall be paid at each and every adoption period.

(5) A bond running to the Commonwealth of Kentucky, executed by a surety company authorized to do business in this State, in a sum not less than two thousand dollars nor more than ten thousand dollars, to be determined by the Superintendent of Public Instruction.

Section 5. The bond required by the person, firm or cor-

poration offering the books for adoption shall be so conditioned that:

(1) The person, firm or corporation will furnish any of the books listed in the statement filed for the period of adoption from the date of the bond to any school district in Kentucky, or to any dealer appointed by the district, at the lowest wholesale price contained in the statement, f.o.b. the publisher's nearest shipping point.

(2) The person, firm or corporation will automatically reduce such prices in Kentucky whenever reductions are made anywhere in the United States, so that no such book shall at any time be sold in Kentucky at a higher wholesale price than is received for that book elsewhere in the United States.

(3) If the person, firm or corporation prepared an abridged or special edition of any book that has been listed and sells it elsewhere at a lower wholesale price than the wholesale price set out in the filed statement, the person will file a copy of the special edition with the price thereof in a supplemental statement with the Superintendent of Public Instruction.

(4) All books sold in Kentucky will be identical with the specimen books filed with the Superintendent of Public Instruction as regards size, paper, binding, print, illustrations, subject-matter, and other particulars which may affect the value of the books.

(5) The person, firm, or corporation will not enter into any agreement, understanding or combination to control the price of textbooks or to restrict competition in their sale in Kentucky.

Section 6. The form of the sworn statement and bond required shall be prescribed by the Attorney-General. The bond shall be in force for the adoption period. The person, firm, or corporation may at any time while the bond is in force file a supplemental statement covering adidtional books or special editions of books previously filed. The supplemental statement shall expire at the date of expiration of the original statement and bond. Prior to the expiration of any statement and bond the person may file a new statement and bond for a further period

of adoption, and if he fails to do so his right to offer textbooks for adoption and use in the public schools of Kentucky shall expire of the date of expiration of the former bond.

Section 7. The superintendent of schools of each school district shall notify the Superintendent of Public Instruction of any violation of any of the conditions in any bond so filed. If the Superintendent of Public Instruction finds that a violation has occurred, he shall instruct the Attorney-General to bring suit on the bond. Any sum recovered in such suit shall be paid into the State Treasury.

Section 8. (1) The State Textbook Commission shall, not later than October 1 prior to any adoption year, select, approve, and publish a list of ten books in each subject and grade, taking into account the needs of the various types of school organizations. Not more than two books for any subject and grade so listed shall be from the same person, firm, or corporation. If less than ten books in any subject and grade are offered, the Commission may list fewer than ten, but in that event it shall not list more than one book for the same subject and grade from the same person, firm, or corporation.
The list shall be certified and presented to the Superintendent of Public Instruction on or before October 10 following the selection.

(2) The State Textbook Commission shall have the authority to reject any book which contains subversive material or information that is offered for listing or adoption. If the Commission finds on the multiple list any book which contains subversive material or information, provided the publisher of such a book has been given written notice by the Secretary of the Commission not less than thirty (30) days prior to the meeting, the Textbook Commission shall have authority to remove the book from the state multiple list. The State Textbook Commission shall have the authority to add books to the state list when the number of books on the list is less than ten per subject and grade or when the list does not contain books for subjects added to the State Courses of Study.

(3) The Superintendent of Public Instruction shall make and execute contracts for the selected books with the publishers

within fifteen days of the approval of the books selected by the Commission. Except for the adoptions in 1955 described heretofore in this Act, all contracts shall run for four years.

(4) The State Textbook Commission, during the interval from April 15 to April 25 inclusive, shall designate one book on the State multiple list for each subject and grade for use in the school district or districts that decline or fail to make textbook adoptions on or before April 1.

(5) The Superintendent of Public Instruction shall prepare a list of the adopted books and publish same and send a copy to the superintendents of each county and independent school district in Kentucky on or before October 15 of each adoption year.

Section 9. (1) Textbook publishers, upon the request of the superintendents of the county and independent school districts, shall furnish to the local boards of education the requested sample copies of their books that were selected and placed on the State multiple list of textbooks by the Textbook Commission. The textbook publishers shall ship and bill these copies to the local boards of education at the lowest wholesale price with shipping charges prepaid. After the school districts have made their textbook adoptions and certified them to the Superintendent of Public Instruction, all sample copies of books shall be returned to the publishers from whom obtained by May 1, shipping charges to be paid by the publishers. On the other hand, the local boards of education may retain the books but shall pay the publishers the lowest wholesale price for them.

(2) The board of education of each county and independent school district shall upon the recommendation of its superintendent and not later than April 1 of any adoption year select from the State multiple list one book for each subject and grade to be used as a basal text, in its school system for a period of four years.

(3) County and/or independent school district or districts, however, may decline to make textbook adoptions. Such a school district or districts that decline or fail to make textbook adoptions on or before April 1 shall use the books on the State

multiple list designated by the State Textbook Commission for each subject and grade for the adoption period.

(4) After the local board of education has adopted the basal textbooks for use of the district and not later than April 15, the superintendent of schools shall send to the Superintendent of Public Instruction a complete list of books adopted properly certified by the Chairman and Secretary of the Board of Education.

Section 10. No textbook shall be used in any public school in Kentucky as a basal textbook unless it has been approved and listed on the State multiple list of textbooks by the State Textbook Commission. Any changes of textbooks made by the State Textbook Commission shall not become effective until grades and classes of the respective county and independent school districts have completed work for which the adopted book then in use was originally intended. Nothing in this section shall apply to the supplementary books that are needed from time to time.

Section 11. Each board of education may appoint one or more dealers to act as official retail agents for the sale of books for use in the school district, or any school unit may purchase and distribute books to its own patrons. Persons whose books have been adopted under these provisions shall furnish the books, either through the official retail agents or through respective boards of education, at the lowest wholesale price and the lowest exchange price listed with the Superintendent of Public Instruction f.o.b. the publisher's nearest shipping point. Each official retail agent shall give a reasonable bond, if required, to the persons who have contracts to furnish adopted texts. All orders given by the retail agent or board of education shall be promptly filled. The official retail agent shall sell the books at not more than twenty per cent in excess of the listed wholesale price. Where old books, displaced by new adoption, are offered by pupils in xchange for the corresponding new books, the new books shall be offered at a price not more than twenty per cent in excess of the listed exchange price. If any agent violates the requirements of this section, or fails to give reasonable bond requested by any person who has a contract to

furnish adopted texts, the board of education that appointed the agent may, by giving notice prior to May 1 in any year, revoke the appointment on July 1 of that year. When an agent's permit is revoked or terminated, all textbooks as per inventory of the agent must be paid for at wholesale price by the person from whom the textbooks were purchased, if the textbooks are of the lawful adoption.

Section 12. When a pupil removes from any school district, the board of education of the district, shall, if requested, purchase from the pupil the textbooks in actual use by him at the time. The price shall be based upon the condition of the books. The books may be sold by the board of education, or furnished to indigent children in the district.

Section 13. No superintendent, teacher or other official or employee of any institution supported wholly or in part by public funds shall act, either directly or indirectly, as agent for any person whose school textbooks are filed with the Superintendent of Public Instruction.

Section 14. No person shall secure or attempt to secure the adoption of any school textbook in any school district in this State by rewarding or promising to reward, directly or indirectly, any person in any public school in the State. No person shall offer or give any emolument to any person in any school district for any vote or promise to vote, or the use of his influence, for any school textbook to be used in this State.

Section 15. Sample books submitted to the State Textbook Commission for examination shall remain the property of the person submitting them if claimed within thirty days after adoption. If not claimed within that period they shall be sold by the State Board of Education.

Section 16. (1) Any witness who fails, without legal excuse, to attend or to testify, when required by the Superintendent of Public Instruction under these provisions, shall be fined not more than twenty-five dollars for each offense.

(2) Any person who violates any of the provisions of this Act shall be fined not more than five hundred dollars or imprisoned not more than three months, or both.

Section 17. Section 156.260 to 156.380 inclusive, and Section 156.990 of the Kentucky Revised Statutes are hereby repealed.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Walter J. Chyle, Jr.	Henry J. Giles
Dr. John Adkins, Jr.	Lewis W. Combest	Chas. M. Greene
Henry Arrowood	Marvin A. Cornett	Eugene B. Hancock
J. Everett Bach	R. Josh Cosby	George F. Harris
Sidney Baer	Charles M. Crowe	John Head
John Rhea Banton	C. E. Dowell	William K. Henry
Clarence J. Barnum	Jas. A. Dressman, Jr.	Thomas D. Hewlett
Owen Billington	Thomas R. Duncan	Henry R. Heyburn
Wm. W. Blanton	Jack Early	Chester J. Holsclaw
R. O. Blevins	Harold Edwards	William M. Horn
Ed. T. Breathitt	William Engle	Paul S. Jonas
Edward O. Bridgers	Roscoe Estep	William L. Jones
Thomas L. Britton	Herbert Fern	Jennings Kearby
Mrs. Mary E. Burnete	Wm. P. Friedlander	Jesse H. Lawrence
Alex H. Calvert	Leslie Gay	Paul M. Lewis

Mrs. J. T. Linton	Tipton Reed	William F. Threlkeld
Harry K. Lowman	J. F. Robinson	Marion Vance
William Maglinger	Joe Rouse	J. B. Veech
Shelby McCallum	Carl J. Ruh	Eulick (Mike) Walsh
G. Lee McClain	Amos Runyon	Wm. Thos. Wathen
Russell L. Meadows	Clem Schroader	L. M. Weathers
Tom Mobley	Gus F. Sheehan, Jr.	W. W. Webster
Walter R. Moorman	Dr. B. F. Shields	Hicks Wells
Earl F. Murphy	John A. Sloan	William B. Wells
Thomas J. Murphy	Mrs. Thelma Stovall	W.A.(Pete)Wickliffe
Ewin C. Neville	E. H. (Ted) Stumbo	Charles W. Wirsch
Bart N. Peak	Egbert V. Taylor	Walker H. Wiseman
Louis T. Peniston	Albert Thomason	Garrett L. Withers
Hobart Rayburn		

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Resolved that the title thereof as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. 146. AN ACT relating to appointment of members of the board of trustees of the University of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 164.130 of the Kentucky Revised Statutes is amended to read as follows:

The government of the University of Kentucky is vested in a board of trustees, consisting of the Governor, who shall be chairman of the board, the Superintendent of Public Instruction, the Commissioner of Agriculture, Labor and Statistics, and twelve competent citizens of Kentucky appointed by the Governor. The terms of the appointed members shall be for four

years and until their successors are appointed and qualify. Beginning January 1, 1953, three of the twelve appointed members shall be appointed each year; provided however, in order to give appropriate effect to this provision, that between the effective date of this Act and January 1, 1953, appointments shall be as follows: Three members shall be appointed for a one-year term calculated to have begun on January 1, 1952, three members shall be appointed for a three-year term calculated to have begun on January 1, 1952, and three members shall be appointed for a four-year term calculated to have begun on January 1, 1952. The terms of the three members of the present board which will expire December 31, 1953, shall not be affected by the foregoing provision. Three of the appointed members shall be representative of agricultural interests, three shall be alumni of the university and six shall be other distinguished citizens of the state. The Governor shall so make the appointments as to divide the representation upon the board, including the ex officio members, equally between the two leading political parties of this state. With the exception of the members of the board of trustees appointed from the alumni of the university, no two appointed members of the board shall be residents of any one county in Kentucky. Appointments to fill vacancies shall be made for the unexpired term in the same manner as provided for original appointments.

Mr. Peak moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Leslie Gay	Ewin C. Neville
Dr. John Adkins, Jr.	Henry J. Giles	Bart N. Peak
J. Everett Bach	Henry C. Hale	Louis T. Peniston
Sidney Baer	Eugene B. Hancock	Tipton Reed
John Rhea Banton	George F. Harris	Earl Rogers
Clarence J. Barnum	John Head	Joe Rouse
Owen Billington	Farmer Helton	Carl J. Ruh
R. O. Blevins	William K. Henry	Amos Runyon
J. C. Bradley	Thomas D. Hewlett	Cecil Sanders
Ed. T. Breathitt	Henry R. Heyburn	Clem Schroader
Edward O. Bridgers	Ray Holbrook	Gus F. Sheehan, Jr.
Thomas L. Britton	Chester J. Holsclaw	Dr. B. F. Shields
Mrs. Mary E. Burnete	William M. Horn	John A. Sloan
Alex H. Calvert	Paul S. Jonas	E. A. Spencer
Walter J. Chyle, Jr.	William L. Jones	E. H. (Ted) Stumbo
Lewis W. Combest	Jennings Kearby	Egbert V. Taylor
Marvin A. Cornett	Jesse H. Lawrence	Albert Thomason
R. Josh Cosby	Paul M. Lewis	William F. Threlkeld
Charles M. Crowe	Mrs. J. T. Linton	J. B. Veech
Thomas R. Duncan	Harry K. Lowman	Eulick (Mike) Walsh
R. L. Dunigan	William Maglinger	Wm. Thos. Wathen
Jack Early	Shelby McCallum	L. M. Weathers
Harold Edwards	Russell L. Meadows	W. W. Webster
William Engle	Tom Mobley	Hicks Wells
Roscoe Estep	Walter R. Moorman	William B. Wells
Herbert Fern	Earl F. Murphy	Charles W. Wirsch
Wm. P. Friedlander	Thomas J. Murphy	Garrett L. Withers

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 58. AN ACT relating to zoning and planning in cities of the second class and in counties containing such a city.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The lawful use of land for trade, industry or residence, in cities of the second class and in counties containing such a city, existing at the time of the adoption of any zoning regulation or restriction, or at the time of the adjustment or revision thereof, or amendment thereto, although such use does not conform to the provisions of such new regulations or restrictions, may be continued.

Section 2. The use of a building or structure existing at the time of the adoption of any zoning regulation or restriction, or at the time of any adjustment or revision thereof or amendment thereto, although such used does not conform to the provisions of such new regulations or restrictions, may be continued, and a nonconforming use of the building or structure may be changed to another nonconforming use of the same or more restricted classification.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Leslie Gay	Tipton Reed
Dr. John Adkins, Jr.	Henry J. Giles	J. F. Robinson
Henry Arrowood	Chas. M. Greene	Earl Rogers
J. Everett Bach	Henry C. Hale	Carl J. Ruh
Sidney Baer	George F. Harris	Amos Runyon
John Rhea Banton	John Head	Clem Schroader
Clarence J. Barnum	Farmer Helton	Gus F. Sheehan, Jr.
Owen Billington	William K. Henry	Dr. B. F. Shields
Wm. W. Blanton	Thomas D. Hewlett	John A. Sloan
R. O. Blevins	Henry R. Heyburn	E. A. Spencer
J. C. Bradley	Ray Holbrook	Mrs. Thelma Stovall
Ed. T. Breathitt	Chester J. Holsclaw	E. H. (Ted) Stumbo
Edward O. Bridgers	William M. Horn	Egbert V. Taylor
Thomas L. Britton	Paul S. Jonas	Albert Thomason
Walter J. Chyle, Jr.	Jennings Kearby	Marion Vance
Lewis W. Combest	Jesse H. Lawrence	J. B. Veech
Marvin A. Cornett	Mrs. J. T. Linton	Wm. Thos. Wathen
C. E. Dowell	William Maglinger	L. M. Weathers
Jas. A. Dressman, Jr.	Shelby McCallum	Hicks Wells
Thomas R. Duncan	Russell L. Meadows	William B. Wells
Jack Early	Tom Mobley	W.A.(Pete)Wickliffe
Roscoe Estep	Walter R. Moorman	Charles W. Wirsch
Herbert Fern	Louis T. Peniston	Walker H. Wiseman
Wm. P. Friedlander	Hobart Rayburn	Garrett L. Withers

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Those who voted in the negative were—

Mrs. Mary E. Burnete	Bart N. Peak
R. Josh Cosby	Cecil Sanders

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Resolved that the title thereof be as aforesaid.

Mr. Maglinger moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 193. AN ACT concerning boards of park commissioners in cities of the second class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 97.400 of the Kentucky Revised Statutes is amended to read as follows:

Each board shall consist of five members appointed by the mayor for terms of five years and until their successors are appointed and qualified. Except that in the appointment of successors to the members in office on July 1, 1952, one member shall be appointed for a term of one year, one for two years, one for three years, one for four years and one for five years. When a vacancy occurs, the person appointed to fill the vacancy shall hold office until the expiration of the term of the person whose vacancy he filled and until his successor is appointed and qualified.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Wm. P. Friedlander	Earl Rogers
Henry Arrowood	Leslie Gay	Joe Rouse
Sidney Baer	Henry J. Giles	Carl J. Ruh
John Rhea Banton	Chas. M. Greene	Amos Runyon
Clarence J. Barnum	Eugene B. Hancock	Cecil Sanders
Owen Billington	John Head	Clem Schroader
Wm. W. Blanton	Farmer Helton	Gus F. Sheehan, Jr.
R. O. Blevins	Thomas D. Hewlett	Dr. B. F. Shields
J. C. Bradley	Chester J. Holsclaw	John A. Sloan
Ed. T. Breathitt	William M. Horn	E. A. Spencer
Thomas L. Britton	Paul S. Jonas	E. H. (Ted) Stumbo
Mrs. Mary E. Burnete	William L. Jones	Egbert V. Taylor
Alex H. Calvert	Jennings Kearby	Albert Thomason
Walter J. Chyle, Jr.	Jesse H. Lawrence	William F. Threlkeld
Marvin A. Cornett	Paul M. Lewis	J. B. Veech
R. Josh Cosby	Mrs. J. T. Linton	Eulick (Mike) Walsh
Charles M. Crowe	Harry K. Lowman	Wm. Thos. Wathen
C. E. Dowell	Shelby McCallum	L. M. Weathers
Jas. A. Dressman, Jr.	G. Lee McClain	Hicks Wells
Thomas R. Duncan	Walter R. Moorman	William B. Wells
R. L. Dunigan	Thomas J. Murphy	W. A. (Pete) Wickliffe
Jack Early	Bart N. Peak	Charles W. Wirsch
Harold Edwards	Louis T. Peniston	Walker H. Wiseman
William Engle	Hobart Rayburn	Garrett L. Withers
Herbert Fern	Tipton Reed	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 224. AN ACT relating to child labor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 339.230 of the Kentucky Revised Statutes is amended to read as follows: A minor who has passed his fourteenth birthday but is under sixteen years of age may be employed, permitted or suffered to work in, about or in connection with any gainful occupation, except: (1) He may not be employed during regular school hours, unless:

(a) He has been granted a special employment certificate in accordance with the provisions of KRS 339.260, and then only in such occupations as are authorized in accordance with that section; or

(b) The school authorities have made arrangement for him to attend school at other than the regular hours, in which event he may be employed subject to KRS 339.260, during such of the regular school hours as he is not required to be in attendance under the arrangement; or

(c) He has graduated from high school.

(2) He may not be employed:

(a) In, about or in connection with any manufacturing or mechanical establishment.

(b) On or in connection with any power-driven machinery except under school supervision as provided in KRS 339.430.

(c) As a messenger for any person, firm or corporation engaged primarily in the business of transmitting or delivering goods or messages.

(d) In the manufacture, transportation, or use of explo-

sives or highly inflamable substances; in or about mines or quarries; in any tunnel or excavation; in logging operations or in any sawmill, lathe mill, shingle mill, or cooperage stock mill; as engineers, firemen, brakemen, or switchmen on any railroad; in the operation of motor vehicles; upon any scaffolding or in heavy construction work; in operating steam boilers carrying a pressure of fifteen pounds or more; in operating or assisting in operating elevators, cranes, derricks, or hoists; in operating or assisting in operating any punch presses or stamping machines, metal or paper cutting machines having a guillotine action, metal shears or plate bending machines, machines used for cold rolling of heavy metal stock, wood-working machines, grinding, abrasive or polishing machines, laundry or dry cleaning machines, calendar rolls or mixing rolls in paper or rubber manufacturing, dough breakers or dough mixing machines, or machines used for opening, picking or carding of cotton or wool; in ore reduction works; smelters; hot rolling mills; plant manufacturing iron and steel; foundries; forging shops, and in any other place in which the heating, melting, or heat treatment of metals is carried on; in the manufacture or use of dangerous or poisonous dyes or chemicals and their compounds, or in the manufacture of lead, or in exposure to lead or its compounds; in any occupation involving exposure to radioactive substances; in oiling or cleaning machinery in motion; in stone cutting or polishing; or in assorting, manufacturing or packing tobacco.

(e) In, about or in connection with any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, sold for consumption or dispensed (except he may be employed in places where the sale of alcoholic beverages by the package is merely incidental to the main business actually conducted), or in a pool or billiard room.

(f) In any place of employment, or at any occupation, that is hazardous or injurious to the life, health, safety or welfare of such minor.

(g) In a public bowling alley.

(3) A female minor of such age may not be employed in the distribution or sale of newspapers, magazines or periodicals,

or in the street occupations of peddling or bootblacking or in any other occupation pursued in any street or public place.

Section 2. Section 339.240 of the Kentucky Revised Statutes is amended to read as follows: (1) A minor who has passed his sixteenth birthday but is under eighteen may be employed, permitted or suffered to work in, about or in connection with any gainful occupation, except as provided in subsections (2) and (3) of this section.

(2) A minor of such age may not be employed, permitted or suffered to work in, about or in connection with any of the occupations enumerated or described in paragraphs (d), (e) and (f) of subsection (2) of KRS 339.230, except that such a minor who is employed under a written apprenticeship agreement that has been approved by the State Apprenticeship Council may perform work in, about or in connection with such enumerated or described occupations if the work is incidental to the apprentice training, is performed intermittently for short periods of time, and is under the direction and supervision of an instructor as a necessary part of the apprentice training.

(3) A female minor or such age may not be employed in the distribution or sale of newspapers, magazines or periodicals, or in the street occupations of peddling or bootblacking or in any other occupation pursued in any street or public place, nor as a messenger for any person, firm or corporation engaged primarily in the business of transmitting or delivering goods or messages.

Section 3. Section 339.260 of the Kentucky Revised Statutes is amended to read as follows: (1) No minor under eighteen years of age shall be employed, permitted or suffered to work in any gainful occupation more than six consecutive days in any one week, nor more than eight hours in any one day, nor more than forty hours in any week, except that the six-day limitation shall not apply to employment as a newsboy in the sale or delivery of newspapers.

(2) No minor under sixteen years of age who is attending school and working outside of the hours he is required to be in attendance at school shall be employed, permitted or suffered to

work for more than three hours on a school day or more than twenty-three hours during a school week.

(3) No minor of sixteen or seventeen years of age who is attending school in session during the day other than a part-time or continuation school, and working outside of the hours he is required to be in attendance at school, shall be employed, permitted or suffered to work for more than four hours on a school day or more than twenty-eight hours during a school week.

(4) No minor under fifteen years of age shall be employed, permitted or suffered to work in any gainful occupation before seven o'clock in the morning or after six o'clock in the evening of any day; nor shall any minor fifteen years of age be employed, permitted or suffered to work before seven o'clock in the morning or after eight o'clock in the evening of any day; nor shall any minor of sixteen and seventeen years of age be employed, permitted or suffered to work before six o'clock in the morning or after ten o'clock in the evening of any day, provided that minors between sixteen and eighteen years of age may be employed in a concert or theatrical performance up to 11:00 p. m.

Section 4. Section 339.290 of the Kentucky Revised Statutes is amended to read as follows: (1) Employment certificates shall be of three kinds: General employment certificates, vacation employment certificates, and special employment certificates. A general employment certificate shall permit the employment of a minor between sixteen and eighteen, or a minor who has completed high school, during the entire year. A vacation employment certificate shall permit the employment of a minor between fourteen and sixteen during school vacations or outside the hours the minor is required to be in attendance at school. A special employment certificate shall permit the employment during the entire year of a minor fourteen or fifteen years of age who has been excused from compulsory school attendance under the provisions of paragraph (c) or (d) of subsection (1) of KRS 159.030. A special employment certificate shall be issued to a minor who has been so excused from compulsory attendance, upon compliance with the same requirements as in the case of a general employment certificate, except that a schooling record shall not be required. A special employ-

ment certificate shall not authorize the employment of a minor in or in connection with or for a factory.

(2) If on account of mental condition a minor has been exempted from attendance at school or recommended by a state child guidance clinic or other approved examiner to be placed in an institution for retarded children, the certificating officer shall issue an employment certificate to such minor only when satisfied that the work available and the supervision under which it will be performed are such that the job is suitable and safe for said minor to undertake.

Section 5. Section 339.300 of the Kentucky Revised Statutes is amended to read as follows: The employment certificates required by KRS 339.210 to 339.450 shall be issued by the local board of education through its superintendent or other authorized agent, in such form and under such conditions as may be prescribed by the Department of Education; provided, that in any county containing a city of the first or second class, probation officers may issue the special employment certificates provided for in KRS 339.290, in accordance with the regulations prescribed, and upon the forms furnished, under KRS 339.310.

Mr. Baer moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Roscoe Estep	Tipton Reed
Dr. John Adkins, Jr.	Herbert Fern	Earl Rogers
Henry Arrowood	Wm. P. Friedlander	Joe Rouse
Sidney Baer	Leslie Gay	Carl J. Ruh
John Rhea Banton	Henry J. Giles	Amos Runyon
Clarence J. Barnum	Chas. M. Greene	Cecil Sanders
Owen Billington	Eugene B. Hancock	Clem Schroader
Wm. W. Blanton	George F. Harris	Gus F. Sheehan, Jr.
R. O. Blevins	John Head	Dr. B. F. Shields
J. C. Bradley	Farmer Helton	E. A. Spencer
Ed. T. Breathitt	William K. Henry	Mrs. Thelma Stovall
Edward O. Bridgers	Thomas D. Hewlett	E. H. (Ted) Stumbo
Thomas L. Britton	Chester J. Holsclaw	Egbert V. Taylor
Mrs. Mary E. Burnete	William M. Horn	Albert Thomason
Alex H. Calvert	Paul S. Jonas	William F. Threlkeld
Walter J. Chyle, Jr.	William L. Jones	J. B. Veech
Lewis W. Combest	Jennings Kearby	Eulick (Mike) Walsh
Marvin A. Cornett	James W. Lambert	Wm. Thos. Wathen
R. Josh Cosby	Jesse H. Lawrence	L. M. Weathers
Charles M. Crowe	Paul M. Lewis	W. W. Webster
C. E. Dowell	Mrs. J. T. Linton	Hicks Wells
Jas. A. Dressman, Jr.	Harry K. Lowman	William B. Wells
Thomas R. Duncan	Shelby McCallum	W. A. (Pete) Wickliffe
R. L. Dunigan	Walter R. Moorman	Charles W. Wirsch
Jack Early	Thomas J. Murphy	Walker H. Wiseman
Harold Edwards	Bart N. Peak	Garrett L. Withers
William Engle	Louis T. Peniston	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 173. AN ACT concerning the development and promotion of the sheep industry in Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Department" means the Department of Agriculture, Labor and Statistics.

(2) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics.

(3) "Show, exhibition and sale" shall not include those held as a part of or in connection with any county or other local fair.

Section 2. It shall be the duty of the department to aid, encourage, foster and promote the development and improvement of the sheep industry in Kentucky. To that end, it shall be the duty of the department to promote, and assist in the promotion of shows and sales of sheep in Kentucky with the object and purpose of maintaining Kentucky's national recognition as a sheep state for breeding, producing, raising, exhibition, showing and sale of sheep and for said purposes there hereby is appropriated out of the General Fund to the Department the sum of three thousand dollars ($3,000) for each of the fiscal years 1951-1952 and 1952-1953.

Section 3. From the appropriation made in Section 2 of this Act, one thousand dollars ($1,000) shall be used and applied in each of said fiscal years for the payment of premiums for district shows and sales which may be held in Kentucky in each of the fiscal years, 1951-1952 and 1952-1953 which is open on equal terms and conditions to all Kentucky 4-H Club members with a sheep project. One thousand dollars ($1,000) shall be used and applied in each fiscal year for the payment of premiums for district shows and sales which may be held in Kentucky in each of the fiscal years, 1951-1952 and 1952-1953 which is open on equal terms and conditions to all Kentucky Future Farmer

members with a sheep project. One thousand dollars ($1,000) shall be used and applied in each said fiscal years for the payment of premiums for district shows and sales which may be held in Kentucky in each of the fiscal years, 1951-1952 and 1952-1953 which is open on equal terms and conditions to all Kentucky adult sheep raisers in Kentucky. No Kentucky adult sheep raiser may show, exhibit or sell in more than one district show.

Section 4. Any show, exhibition and sale of sheep to be eligible to receive the aforesaid appropriations must provide that the entries in all classes must be open upon equal terms to all breeders of such sheep in Kentucky. The commissioner shall determine with respect to the aforesaid sheep which shows, exhibitions and sales in each year shall receive assistance and, in making such determination, he may consider such shows, exhibitions and sales as may have been held in Kentucky in any previous year and in any previous two-year period.

Mr. Lowman moved the Previous Question .

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Henry Arrowood	John Rhea Banton
Dr. John Adkins, Jr.	Sidney Baer	Clarence J. Barnum

Owen Billington	Eugene B. Hancock	Tipton Reed
Wm. W. Blanton	John Head	Joe Rouse
R. O. Blevins	Farmer Helton	Carl J. Ruh
J. C. Bradley	William K. Henry	Amos Runyon
Ed. T. Breathitt	Thomas D. Hewlett	Cecil Sanders
Edward O. Bridgers	Henry R. Heyburn	Clem Schroader
Thomas L. Britton	Chester J. Holsclaw	Gus F. Sheehan, Jr.
Mrs. Mary E. Burnete	William M. Horn	John A. Sloan
Alex H. Calvert	Paul S. Jonas	E. A. Spencer
Walter J. Chyle, Jr.	William L. Jones	Mrs. Thelma Stovall
Lewis W. Combest	Jennings Kearby	E. H. (Ted) Stumbo
Marvin A. Cornett	James W. Lambert	Egbert V. Taylor
R. Josh Cosby	Jesse H. Lawrence	Albert Thomason
C. E. Dowell	Paul M. Lewis	William F. Threlkeld
Jas. A. Dressman, Jr.	Mrs. J. T. Linton	J. B. Veech
Thomas R. Duncan	Harry K. Lowman	Eulick (Mike) Walsh
Jack Early	Shelby McCallum	Wm. Thos. Wathen
Harold Edwards	G. Lee McClain	L. M. Weathers
William Engle	Walter R. Moorman	W. W. Webster
Roscoe Estep	Thomas J. Murphy	Hicks Wells
Herbert Fern	Ewin C. Neville	William B. Wells
Wm. P. Friedlander	Bart N. Peak	W. A. (Pete) Wickliffe
Leslie Gay	Louis T. Peniston	Charles W. Wirsch
Henry J. Giles	Hobart Rayburn	Walker H. Wiseman
Chas. M. Greene		—79

Those who voted in the negative were—

R. L. Dunigan	Earl Rogers	—2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Clerk's Desk a bill of the following title, viz:

H. B. No. 37. AN ACT relating to jury service.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 29.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) The jury commissioners shall take the most recent registered election voters' records for the county and from them carefully select from the intelligent, sober, discreet and impartial citizens in different portions of the county, the following number of names of such persons over twenty-one years of age:

(a) In counties having a population of ten thousand or less, not less than one hundred and sixty-two nor more than two hundred.

(b) In counties having a population of more than ten thousand and not more than twenty thousand, not less than one hundred and sixty-two nor more than three hundred.

(c) In counties having a population of more than twenty thousand and not more than fifty thousand, not less than five hundred nor more than six hundred.

(d) In counties having a population of more than fifty thousand and not more than one hundred thousand, one thousand.

(e) In counties having a population of more than one hundred thousand, and its circuit court divided into branches, two thousand for each division of the court requiring the services of a jury.

(2) They shall place the name, and in counties containing a city of the first, second or third class, the address, of each person so selected, on a small slip of paper, each slip being as near the same size and appearance as practicable. In counties having courts of continuous session in which the commissioners have employed a typist, the typist shall type the names on the slips; in other counties the commissioners shall write the names on the slips in plain handwriting. Each slip shall be by them enclosed in a small case and deposited, unsealed, in a revolving drum, but before depositing any of the slips in the drum they shall carefully examine its contents and remove and destroy any slips found therein.

(3) The slips of paper upon which are written the names of persons placed by the commissioners upon the lists of grand and petit jurors shall be destroyed by the commissioners as soon as the names are recorded on the list.

Section 2. Subsection (3) of Section 29.040 of the Kentucky Revised Statutes is repealed.

Mr. Estep moved to amend said bill by way of substitute, which substitute is as follows, viz: and moved its adoption.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 29.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) The jury commissioners shall take the most recent registered election voters' records for the county and from them carefully select from the intelligent, sober, discreet and impartial citizens in different portions of the county, the following number of names of such persons over twenty-one years of age:

(a) In counties having a population of ten thousand or less, not less than one hundred and sixty-two nor more than two hundred.

(b) In counties having a population of more than ten thousand and not more than twenty thousand, not less than one hundred and sixty-two nor more than three hundred.

(c) In counties having a population of more than twenty thousand and not more than fifty thousand, not less than five hundred nor more than six hundred.

(d) In counties having a population of more than fifty thousand and not more than one hundred thousand, one thousand.

(e) In counties having a population of more than one hundred thousand, and its circuit court divided into branches, two thousand for each division of the court requiring the services of a jury.

(2) They shall place the name, and in counties containing a city of the first, second or third class, the address, of each per-

son so selected, on a small slip of paper, each slip being as near the same size and appearance as practicable. In counties having courts of continuous session in which the commissioners have employed a typist, the typist shall type the names on the slips; in other counties the commissioners shall write the names on the slips in plain handwriting. Each slip shall be by them enclosed in a small case and deposited, unsealed, in a revolving drum, but before depositing any of the slips in the drum they shall carefully examine its contents and remove and destroy any slips found therein.

(3) The slips of paper upon which are written the names of persons placed by the commissioners upon the lists of grand and petit jurors shall be destroyed by the commissioners as soon as the names are recorded on the list.

Section 2. Section 29.010 of the Kentucky Revised Statutes is amended to read as follows:

A grand jury shall consist of twelve persons, each of whom must be a citizen of the county in which he is called to serve and over the age of twenty-one years. No civil officer, except members of boards of education and subdistrict trustees, no surveyor of a highway, tavern-keeper, vendor of distilled alcoholic spirits by license, or person who is under indictment or who has been convicted of a felony and not pardoned, shall be qualified to serve as a grand juror. The fact that a person not qualified served on a grand jury shall not be cause for setting aside indictments found by such grand jury.

Section 3. Subsection (2) of section 29.020 of the Kentucky Revised Statutes is amended to read as follows:

(2) No person shall be a qualified juror for the trial of criminal, penal or civil cases in any court unless he is a citizen at least twenty-one years of age, sober, temperate, discreet and of good demeanor.

Section 4. Subsection (3) of Section 29.040 of the Kentucky Revised Statutes is repealed.

Said motion was agreed to.

Said substitute was adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "shall the Main Question be now put?"

Ordered that said bill be engrossed and read at length for the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Herbert Fern	Carl J. Ruh
Dr. John Adkins, Jr.	Wm. F. Friedlander	Amos Runyon
Sidney Baer	Chas. M. Greene	Clem Schroader
John Rhea Banton	Farmer Helton	Gus F. Sheehan, Jr.
Clarence J. Barnum	Henry R. Heyburn	John A. Sloan
Owen Billington	Ray Holbrook	E. A. Spencer
R. O. Blevins	Chester J. Holsclaw	Mrs. Thelma Stovall
Ed. T. Breathitt	William M. Horn	E. H. (Ted) Stumbo
Thomas L. Britton	Paul S. Jonas	Egbert V. Taylor
Walter J. Chyle, Jr.	Jennings Kearby	Albert Thomason
Lewis W. Combest	Jesse H. Lawrence	Marion Vance
Marvin A. Cornett	Mrs. J. T. Linton	Eulick (Mike) Walsh
C. E. Dowell	Harry K. Lowman	Wm. Thos. Wathen
Jas. A. Dressman, Jr.	Shelby McCallum	W. W. Webster
Thomas R. Duncan	Thomas J. Murphy	William B. Wells
R. L. Dunigan	Bart N. Peak	Charles W. Wirsch
Harold Edwards	Hobart Rayburn	Garrett L. Withers
William Engle	Tipton Reed	
Roscoe Estep	Earl Rogers	

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Those who voted in the negative were—

J. C. Bradley	Thomas D. Hewlett	J. F. Robinson
R. Josh Cosby	William L. Jones	Joe Rouse
Charles M. Crowe	James W. Lambert	Cecil Sanders
Leslie Gay	Paul M. Lewis	William F. Threlkeld
Henry J. Giles	G. Lee McClain	L. M. Weathers
Eugene B. Hancock	Ewin C. Neville	W.A.(Pete)Wickliffe
William K. Henry	Louis T. Peniston	Walker H. Wiseman

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Jones moved that the House do now recess for ten minutes.

Said motion was disagreed to.

REFERAL OF BILLS

House Bill 290. Kentucky Statutes No. 1

137. Kentucky Statutes No. 2

291. Kentucky Statutes No. 2

292. Kentucky Statutes No. 2

293. Game & Fish

294. Regulation of Intoxicating Liquors

295. Ways & Means

296. Kentucky Statutes No. 2

297. Elections

298. Kentucky Statutes No. 2

299. Courts & Legal Procedures

301. Cities of the Second Class

302. Cities of the Second Class
303. Cities of the Second Class
304. Kentucky Statutes No. 1
305. Kentucky Statutes No. 2
306. Courts & Legal Procedures
307. Cities of the First Class
308. Cities of the Fourth Class
309. Kentucky Statutes No. 2
310. Kentucky Statutes No. 2
311. Kentucky Statutes No. 2
312. Kentucky Statutes No. 2
313. Kentucky Statutes No. 1
314. Courts & Legal Procedures
315. Education
316. Kentucky Statutes No. 2
317. Education
318. Elections
319. Education
320. Railroads
321. Constitutional Amendments
322. Constitutional Amendments
323. Public Health
324. Regulation of Intoxicating Liquors
325. Constitutional Amendments
326. Kentucky Statutes No. 2
327. Kentucky Statutes No. 2
328. Courts & Legal Procedures
329. Revenue & Taxation

330. Kentucky Statutes No. 2

331. Kentucky Statutes No. 2

332. Kentucky Statutes No. 2

340. Labor

Senate Bill 12. Kentucky Statutes No. 2

50. Kentucky Statutes No. 2

68. Kentucky Statutes No. 1

38. Ways & Means

69. Motor Transportation

87. Kentucky Statutes No. 2

7. Motor Transportation

82. Kentucky Statutes No. 2

86. Kentucky Statutes No. 2

103. Ways & Means

106. Cities of the First Class

117. Cities of the Third Class

113. Kentucky Statutes No. 2

The Enrolling Clerk reported that he had delivered the original and enrolled copies of H. Res. No. 13 and H. Res. No. 14, duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bill to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Lowman moved that the House do now adjourn until 10:00 o'clock a. m., Friday, February 15, 1952.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, FEBRUARY 15, 1952

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House opened with prayer by the Reverend E. W. Baxter, Pastor of the Episcopal Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bill Adams	Eugene B. Hancock	Earl Rogers
Dr. John Adkins, Jr.	George F. Harris	Joe Rouse
Henry Arrowood	William K. Henry	Carl J. Ruh
J. Everett Bach	Thomas D. Hewlett	Amos Runyon
Sidney Baer	Henry R. Heyburn	Cecil Sanders
John Rhea Banton	E. R. Hilton	Clem Schroader
Clarence J. Barnum	Chester J. Holsclaw	Gus F. Sheehan, Jr.
Owen Billington	William M. Horn	Dr. B. F. Shields
R. O. Blevins	Paul S. Jonas	John A. Sloan
Ed. T. Breathitt	William L. Jones	E. A. Spencer
Edward O. Bridgers	Jennings Kearby	Mrs. Thelma Stovall
Thomas L. Britton	James W. Lambert	E. H. (Ted) Stumbo
Alex H. Calvert	Paul M. Lewis	Egbert V. Taylor
Walter J. Chyle, Jr.	Mrs. J. T. Linton	Albert Thomason
Lewis W. Combest	Harry K. Lowman	William F. Threlkeld
Marvin A. Cornett	William Maglinger	Marion Vance
R. Josh Cosby	Shelby McCallum	J. B. Veech
Charles M. Crowe	Russell L. Meadows	Eulick (Mike) Walsh
C. E. Dowell	Tom Mobley	Wm. Thos. Wathen
Jas. A. Dressman, Jr.	Robert H. Moore	L. M. Weathers
Thomas R. Duncan	Walter R. Moorman	W. W. Webster
R. L. Dunigan	Fred H. Morgan	Hicks Wells
Jack Early	Earl F. Murphy	William B. Wells
Harold Edwards	Thomas J. Murphy	W.A.(Pete)Wickliffe
William Engle	Ewin C. Neville	Charles W. Wirsch
Roscoe Estep	Bart N. Peak	Walker H. Wiseman
Herbert Fern	Louis T. Peniston	Garrett L. Withers
Wm P. Friedlander	Hobart Rayburn	Charles W. Burnley,
Leslie Gay	Tipton Reed	Speaker
Henry C. Hale	J. F. Robinson	—88

Mr. Baer moved that the absentees be granted a leave of absence.

Said motion was agreed to.

The absentees were as follows, viz: William W. Blanton, Mrs. Mary E. Burnete, J. C. Denney, Jr., Henry J. Giles, Charles M. Greene, John Head, Farmer Helton, Ray Holbrook, Jesse H. Lawrence, G. Lee McClain and Morris Weintraub.

Mr. Barnum moved that the reading of the Journal of the proceedings of Thursday, February 14, 1952, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Engle moved that Eli Cornett Boggs, Jr. and William Engle, Jr., of Hazard, Kentucky, be made Honorary Pages of the General Assembly for the 1952 Session.

Said motion was agreed to.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced, viz:

By Mr. Morgan.

H. Res. No. 39. RESOLUTION authorizing Ellen C. Hamilton, administratrix of the estate of James W. Hamilton, deceased, to sue the Commonwealth of Kentucky and the Department of Highways thereof, either or both.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Ellen C. Hamilton, administratrix of the estate of James W. Hamilton, deceased, be and she is hereby authorized, permitted, and empowered to sue the Commonwealth of Kentucky and the Department of Highways thereof, either or both of them, in such sum as will fairly and reasonably compensate the estate of said James W. Hamilton, deceased, for the injuries and damages, if any, sustained by said estate as a direct

and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Highways thereof in maintaining the bridge over Clark's River in McCracken County, Kentucky, in a dangerous condition, if it did so maintain said bridge.

Section II. That the action herein authorized and permitted may be brought in the McCracken Circuit Court, same being the Circuit Court having jurisdiction in McCracken County, Kentucky, the county in wihch the injuries and damages were incurred. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section III. That any party to said action may appeal from any judgment which may be entered by the McCracken Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid by warrant drawn on the State Treasurer and paid out of the General Fund.

Said resolution was ordered printed and referred to the Committee on Claims.

By Mr. Horn.

H. Res. No. 40. A JOINT RESOLUTION providing for the purchase and distribution of copies of the Kentucky Directory, 1952 Edition.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the State Librarian shall purchase copies of the "Kentucky Directory 1952," in the same quantity, for the same price, and under the same terms and conditions, and distribute the copies in the same manner and to the same persons and places, as provided in Chapter 269 of the Acts of 1948 for the 1948 Kentucky Directory. Payment therefor shall be made out of the sum appropriated for that purpose for the 1952-53 fiscal year.

Said resolution was ordered printed and referred.

By Mr. Engle.

H. B. No. 360. AN ACT relating to Hours of Work and Annual Leave for Members of City Police Departments.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In all cities of the third class within the Commonwealth of Kentucky, the members of the police department shall not be required to work more than eight hours per day for six days each week except in the event of an emergency. Each member of the police department in such cities shall have an annual leave of twelve working days with full pay.

Said bill was ordered printed and referred.

By Mr. Wickliffe.

H. B. No. 361. AN ACT prohibiting the sale of candy or soft drinks in the common schools during school hours.

Said bill is as follows, viz;

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) No superintendent, principal or teacher of a common school shall allow the sale of soft dirnks or candy in such school during that period of the day when school is in progress.

(2) Any superintendent, principal or teacher violating the provisions of subsection (1) shall be fined not less than ten dollars nor more than one hundred dollars.

Said bill was ordered printed and referred.

By Mr. Dowell, Engle, Webster, and Taylor.

H. B. No. 362. AN ACT relating to parimutuel betting.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 138.510 of the Kentucky Revised Statutes is amended to read as follows:

An excise tax is imposed on every person, corporation or association which operates a running or trotting horse race track at which betting is conducted through a pari-mutuel or other similar system. The tax shall be an amount equal to seven percent of the total amount of all money deposited in pari-mutuel pools or similar pools (including any pool, such as a daily double pool, even though tickets sold for such a pool are not vended by a mechanical or electrical device nor the totals of such a pool computed and determined by a totalizator).

Said bill was ordered printed and referred.

By Mr. Fern.

H. B. No. 363. AN ACT relating to the election of members of boards of education; amending KRS 160.210, 160.220, 160.230 and 160.260.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 160.210 of the Kentucky Revised Statutes is amended to read as follows:

Members of boards of education shall be elected from the district at large. Any members of county boards of education elected from divisions, prior to 1952, shall continue to hold their offices until the expiration of their terms.

Sec. 2. Section 160.220 of the Kentucky Revised Statutes is amended to read as follows:

All elections for members of boards of education shall be by secret ballot. The ballot shall be on a separate sheet from all other ballots used in any election. The county clerk shall cause to be printed on the ballot the names of legally eligible candidates in whose behalf he is petitioned to do so in writing by not less than fifty legal voters of the school district, except that in independent school districts embracing a city of the first or second class the number of such petitioners shall not be less

than one hundred. The petitions must be filed as provided in KRS 118.120 and 118.130. Each petition must be signed by the requisite number of qualified persons, and shall show the district an dthe place of residence of each person signing it. No person shall sign more petitions than the number of offices to be filled.

Sec. 3. Section 160.230 of the Kentucky Revised Statutes is amended to read as follows:

The ballot shall be in the form prescribed for ballots by the general election law, except that no party emblem or distinguishing mark shall be placed upon the ballot, save the words "School Ballot" at the head thereof. The name of all candidates for membership on the board of education shall be printed on the first fifty ballots in a single column in the order the petitions are filed. On each of the succeeding fifty ballots the names shall be printed in the same order, except that the last name on the preceding fifty ballots shall be shifted to the first place, and so on thereafter throughout, a like change being made in the printed order of names for every fifty ballots. The ballots shall be so bound that in the book of ballots for each voting precinct each candidate's name will appear first on approximately the same number of ballots as that of every other candidate. As many additional lines shall be left blank as there are members to be elected.

Sec. 4. Section 160.260 of the Kentucky Revised Statutes is amended to read as follows:

Each voter may vote for as many candidates as there are members to be elected by making a cross in the square opposite the name of each candidate for whom he wishes to vote, and the ballot shall show the number of board members to be elected. The candidates, in number equal to the number of members to be chosen, who have the highest number of votes shall be declared elected.

Said bill was ordered printed and referred.

By Mr. Sloan, Denney.

H. B. No. 364. AN ACT relating to the licensing of motor vehicles, amending section 186.050 of the KRS.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 186.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The annual registration fee for motor vehicles primarily designed for carrying passengers and having provisions for not more than nine passengers, including the operator, shall be $4.50.

(2) The annual registration fee for each motorcycle shall be $2.00, and for each sidecar attachment, $1.00.

(3) All motor vehicles except those mentioned in subsections (1) and (2), and those engaged in hauling passengers for hire operating under certificates of convenience and necessity, are classified as trucks or busses, and the annual registration fee, except as provided in subsections (4) through (8), shall be as follows:

Gross Weight	Registration Fee
0- 5000	$ 10.00
5001- 8000	22.00
8001-10000	25.00
10001-12000	29.00
12001-14000	32.00
14001-16000	36.00
16001-18000	40.00
18001-21000	45.00
21001-24000	50.00
24001-27000	59.00
27001-30000	71.00
30001-33000	85.00
33001-36000	101.00
36001-39000	123.00
39001-42000	150.00

The registration fee shall be increased fifty percent on any motor vehicle not equipped wholly with pneumatic tires.

(4) Any farmer owning a truck having a gross weight of

22,000 pounds or less may have it registered as a farmer's truck and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit, stating that he is a farmer engaged solely in the production of crops, livestock or dairy products, that he owns a truck of the gross weight of 22,000 pounds or less, that he has caused to be printed upon each side of the bed of the truck the words "Farmer's Truck" in conspicuous letters not less than three inches in height, and that during the next twelve months the truck will be used only in transporting persons, food, provender, feed and machinery used in operating his farm and the products grown on his farm.

(5) Any person owning a truck or bus used soley in tarnsporting school children and school employes may have the truck or bus registered as a school bus and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus is used solely in the transportation of school children and persons employed in the schools of the district, that he has caused to be printed on each side of the bed of the truck or bus and on the rear door or part of the bed the words "School Bus" in letters at least six inches high and of a conspicuous color and that the truck or bus will be used during the next twelve months only for the purpose stated.

(6) Any church or religious organization owning a truck or bus used solely in transporting persons to and from a place of worship or for other religious work may have the truck or bus registered as a church bus and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus will be used only for the transporting of persons to and from a place of worship, or for other religious work, and that there has been printed on the truck or bus in large letters the words "Church Bus," with the name of the church or religious organization owning and using the truck or bus, and that during the next twelve months the truck or bus will be used only for the purpose stated.

(7) Any person owning a truck on which an outfit for drilling water wells has been mounted and bolted to the chasis

may register the truck and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit that an outfit for the drilling of water wells has been mounted on and bolted to the chassis of the truck, and that during the next twelve months the truck will be used only for the transportation of the well drilling outfit.

(8) Any person owning a motor vehicle on which a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted may register the vehicle and obtain a license for $9.50 by filing with the county clerk, in addition to other information required, an affidavit that a wrecking crane and other equipment suitable for an automobile service has been permanently mounted on such vehicle and that during the next twelve months the vehicle will be used only in automobile wrecker service.

(9) Any resident of this State, who is a member of the Armed Forces of the United States during a National Emergency or when the United States is engaged in a war with some other Country, and any resident of this State who has served honorably in the Armed Forces of the United States during any of the Wars in which the United States has been engaged or shall in the future become engaged, and who is or shall become permanently disabled as a result of such military service, shall upon application to the County Court Clerk of the County in which he resides and upon the payment of a issuance fee to said Clerk of fifty cents, be issued without cost or further fee a registration certificate and license for any one motor vehicle owned by applicant.

Said bill was ordered printed and referred.

By Mr. Neville and Kearby.

H. B. No. 365. AN ACT concerning rural telephone cooperatives.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (8) of Section 279.310 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 279.310 to 279.600, unless the context requires otherwise:

(8) "Member" means and includes each person signing the articles of incorporation of a corporation formed under KRS 279.310 to 279.600, each person later admitted to membership according to law or according to the articles of incorporation to law or according to the articles of incorporation or by laws of the corporation.

Section 2. Subsection (1) of Section 279.360 of the Kentucky Revised Statutes is amended to read as follows:

(1) To furnish, improve and expand telephone service in rural areas to its members, to governmental agencies and political subdivision, and to other persons not in excess of ten percent of the number of its members, provided, however, that , without regard to said ten percent limitation, telephone service may be made available by a cooperative through inter-connection of facilities to any number of subscribers of other telephone systems, and through pay stations to any number of users; and provided, further, that a cooperative which acquires existing telephone facilities in rural areas may continue service to persons, not in excess of forty percent of the number of its members, who are already receiving service from such facilities, without requiring such persons to become members, but such persons may become members upon such terms as may be prescribed in the by-laws; and, provided, further, that a cooperative may furnish, improve and expand telephone service outside of rural areas where necessary in order to furnish, improve and expand telephone service in rural areas.

Section 3. Subsection (2) of Section 279.360 of the Kentucky Revised Statutes is amanded to read as follows:

(2) To construct, purchase, lease as lessee, or otherwise acquire, and to improve, expand, install, equip, maintain, and operate, and to sell, assign, convey, lease as lessor, mortgage, pledge, or otherwise dispose of or encumber, telephone lines, facilities or systems, lands, buildings, structures, plants and equipment, exchange, and any other real or personal property, tangible or intangible, which shall be deemed necessary, con-

venient or appropriate to accomplish the purpose for which the cooperative is organized.

Said bill was ordered printed and referred.

By Mr. Walsh.

H. B. No. 366. AN ACT relating to election or rejection of the Workmen's Compensation Act by employes, amending section 342.395 of the KRS.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 342.395 of the Kentucky Revised Statutes is amended to read as follows:

In the event an employer elects to operate under this chapter, then every employe of such employer, as a part of his contract of hiring or who may be employed at the time of the acceptance of the provisions of this chapter by such employer, shall be deemed to have accepted all the provisions of this chapter and shall be bound thereby unless he shall have filed, prior to the injury, a written notice to the contrary with the employer. Until such notice to the contrary is so given to the employer, the measure of liability of such employer shall be determined according to the compensation provisions of this chapter. Any such employe may, without prejudice to any existing right or claim, withdraw his election to reject this chapter by filing with the employer a written notice of withdrawal, stating the date when the withdrawal is to become effective. Following the filing of such notice, the status of the party withdrawing shall become the same as if the former election to reject this chapter had not been made, except that withdrawal shall not be effective as to any injury sustained less than one week after the notice is filed.

Said bill was ordered printed and referred.

By Mr. Blanton and Rayburn.

H. B. No. 367. AN ACT concerning clauses and conditions in policies of fire insurance.

Said bill isas follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No clause or condition in a policy of fire insurance which, by its terms, requires the insured to keep his records concerning the value of insured goods in an iron or fireproof safe or in some secure place not exposed to fire shall prevent recovery on the policy unless the agent of the insurer informs the applicant for insurance at the time application for such insurance is made that a strict and literal compliance with the terms of such clause or condition will be required.

Where the insured is not required to keep his records in an iron or fireproof safe, and where such records are destroyed by fire, the insured may, in the absence of fraud or deliberate attempt to conceal the quantum or value of goods destroyed, show such quantum or value by extrinsic evidence if same can be shown with reasonable certainty.

Said bill was ordered printed and referred.

CALENDAR

The House took up for consideration from the Calendar, House Bills and resolutions of the following titles, viz:

H. B. No. 51. AN ACT relating to the election of county school superintendents.

H. Res. No. 28. A JOINT RESOLUTION authorizing Polly Darnell, administratrix of the Estate of Jessie Myers Darnell, deceased, to sue the Commonwealth of Kentucky.

H. B. No. 237. AN ACT relating to collection of taxes in fifth-class cities.

H. B. No. 168. AN ACT applying to the admissibility of evidence in actions to recover damages for personal injury and property damage, or both.

H. B. No. 254. AN ACT relating to inspection of state mental institutions.

H. B. No. 158. AN ACT relating to mines and minerals.

COMMITTEE REPORTS

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 12. AN ACT relating to real estate brokers and salesmen.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 331. AN ACT relating to annual financial statements by public officers.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 330. AN ACT relating to fees of County Judges.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 332. AN ACT relating to the fees of court commissioners and receivers.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 312. AN ACT relating to traffic regulations and equipment of vehicles.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 87. AN ACT to amend subsection (c) of Section 3 of Senate Bill No. 1, passed by the General Assembly of the Commonwealth of Kentucky at its extraordinary session, 1951, and declaring an emergency to exist.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 86. AN ACT relating to the powers of the governing bodies of the state institutions of higher education, the limitations on salaries payable, and related matters.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 63. AN ACT relating to rules of pleading, prac-

tice and procedure, and the forms thereof in civil actions and with limited application, in criminal proceedings.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 80. AN ACT relating to the compensation of Judges and Commissioners of the Court of Appeals, and making an appropriation therefor.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 82. AN ACT relating to liquefied petroleum gas.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 113. AN ACT relating to education.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Edward O. Bridgers, Chairman of the Committee on Motor Transportation, to which same had been previoulsy referred, reported a bill of the following title, viz:

H. B. No. 175. AN ACT concerning equipment of vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. All motor trucks and semi-trailer trucks shall be equipped with mud guards of such design and material as will efficiently decrease the amount of mud and spray thrown into the air by the tires of such vehicles.

Section 2. Any person who violates the provisions of Section 1 of this Act shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

With Committee amendment thereto, by way of substitute, as follows, viz:

Committtee substitute for H. B. 175.

AN ACT concerning equipment of vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) No person shall drive or operate or cause to be driven or operated any commercial car, trailer or semi-trailer, used for the transportation of goods or property, upon the public highways, streets, bridges and culverts within the State of Kentucky or any subdivision thereof, unless such vehicle is equipped with suitable protectors or substantial flexible flaps on the rear-most wheels of such vehicles or combination of vehicles to prevent as far as practicable such wheels from throwing dirt, water or other materials on the windshields of the trailing vehicles.

(2) Such protectors or flaps shall have a ground clearance of not more than one-fifth of the distance from the center of the rear-most axle to the center of the flaps under any conditions of loading of the motor vehicle, shall be at least as wide as the tires they are protecting, provided, however, that if the motor vehicle is so designed and constructed that the above requirements are accomplished by means of fenders, body construction or other means of enclosure, then no such protectors or flaps shall be required, and further provided that rear wheels not

covered at the top of fenders, bodies or other parts of the vehicle shall be covered at the top by protective means extending at least to the center line of the rear-most axle.

(3) Any person found guilty of a violation of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than twenty-five dollars.

With the expression of opinion that same should pass by way of Committee substitute.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. William T. Wathen, Chairman of the Committee on Cities of the Fourth Class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 308. AN ACT changing the classification of the City of Shively, in Jefferson County, Kentucky.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Edward O. Bridgers, Chairman of the Committee on Motor Transportation, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 133. AN ACT relating to the disposition of fines for forfeitures resulting from connections for violations of the provision of sections 189.221, 189.222 and 189.270 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 189.223 of the Kentucky Revised Statutes is amended to read as follows:

(1) Subject to the exception provided in subsection (2) of any peace officer having reason to believe that the height, length, width or weight of any motor truck, semi-trailer truck, or trailer,

is in excess of the maximum limits prescribed by KRS 189.221 and 189.222 or permitted by any special permit issued under KRS 189.270 and in the possession of the operator, may measure it or weigh it either by portable or stationary scales, and may require it to be driven to the nearest scales, if such scales are within a distance of five miles from the point at which the vehicle is first directed to stop. If the officer shall determine that the operation of the motor truck, semi-trailer, or trailer, was unlawful, he shall require the operator of said motor truck, semi-trailer truck, or trailer to unload such portion of the load as may be necessary to decrease the gross weight of the vehicle to the maximum gross weight permitted under the terms of KRS 189.221 and 189.222 or of KRS 189.270, or he may, at the election of the operator, permit the operator to move the vehicle with its load to the nearest city or nearest court having jurisdiction, at which place the excess load shall be unloaded. The excess load shall be unloaded at the sole risk of the owner. The refusal of the operator to permit his motor truck, semi-trailer truck, or trailer to be measured or weighed, or to proceed to a scales, or to unload, the excess load, shall constitute a violation of KRS 189.221 to 189.228.

(2) Members of city police departments or forces shall not enforce the provisions of subsection (1) on highways which are a part of the state-maintained system of highways.

With Committee amendment thereto, by way of substitute, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Notwithstanding any other statutory provisions to the contrary, all fines and forfeitures recovered in any court as a result of a conviction for the violation of any of the provisions of KRS 189.221, 189.222 or 189.270, which violation occurred on a state-maintained highway and arrest was made by a member of a city police force, shall inure to the benefit of the state, shall be paid into the General Fund of the State Treasury, and no part shall be returned to the local governmental units from which they were sent.

With the expression of opinion that same should pass by way of Committee substitute.

Whereupon, said bill was read at length for the first time and ordered placed in the calendar.

Mr. William L. Jones, Chairman of the Committee on State Fair, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 225. AN ACT relating to the State Fair Board, repealing Subsection (2) of Section 247.170 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Clarence J. Barnum, Chairman of the Committee on Cities of the First Class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 307. AN ACT relating to persons in connection with the taking, recording and transcribing of evidence or judicials proceedings in counties of 150,000 or more, including but not limited to provisions concerning the compensation and fees of such persons and amending and re-enacting KRS 28.440.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Clarence J. Barnum, Chairman of the Committee on Cities of the First Class, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 106. AN ACT concerning Commonwealth's attorneys, assistant Commonwealth's attorneys, district detectives and stenographers.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Chester J. Holsclaw, Chairman of the Committee on Ways and Means, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 60. AN ACT relating to the licensing of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Owners of motor vehicles who are residents of this state and who hold an unrevoked and unexpired official amateur radio station license issued by the Federal Communications Commission, upon application each licensing year, accompanied by proof of ownership of such amateur radio station license, and upon complying with all other laws of this state relating to registration and licensing of motor vehicles, and upon the payment of an additional license fee of one dollars, shall be issued an additional license plate upon which shall be inscribed, in lieu of the usual number, the official amateur radio call letters of such applicant as assigned by the Federal Communications Commission, and the year for which the plate is issued. Any person purchasing a license plate under the provisions of this Act shall be authorized to attach both plates to the vehicle with the plate bearing the radio call letters being the outside or covering plate. Upon the sale or transfer of any vehicle bearing such plates, the owner may remove and retain the cover plate for use on any other motor vehicle.

Section 2. For services performed, the county clerk shall receive from each applicant, in addition to the regular registration fee, the sum of fifty cents for each registration under this Act.

With Committee Amendment thereto, by way of substitute, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Owners of motor vehicles who are residents of this state and who hold an unrevoked and unexpired official ama-

teur radio station license issued by the Federal Communications Commission, upon application each licensing year, accompanied by proof of ownership of such amateur radio station license, and upon complying with all others laws of this state relating to the registration and licensing of motor vehicles, and upon the payment of an additional license fee of one dollar, shall be issued, within ninety days after such application, an additional license plate upon which shall be inscribed, in lieu of the usual number, the official amatuer radio call letters of such applicant as assigned by the Federal Communications Commission, and the year for which the plate is issued. An application for such special license shall in no way interfere with the regular registration of the vehicle. Any person purchasing a license plate under the provisions of this act shall be authorized to leave the original plate in the custody of the county clerk and attach the plate bearing the radio call letters on the vehicle so licensed. Upon the sale or transfer of such vehicle bearing such special plate the owner shall remove same and obtain from the custody of the county clerk the original plate and attach it to the vehicle to be sold or transferred. Said special plate may be presented to the county clerk and he shall re-issue same for use on any other vehicle owned by such radio station licensee.

Section 2. For services performed, the county clerk shall receive from each applicant, in addition to the regular registratioin fee, the sum of fifty cents for each registration under this Act. A like amount shall be charged for the re-issuance of such special license plate after the sale or transfer of the vehicle to which it was originally attached.

With the expression of opinion that same should pass by way of Committee substitute.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Amos Runyon, Chairman of the Committee on Education, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 125. AN ACT relating to common schools with particular reference to entrance age requirements.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 158.030 of the Kentucky Revised Statutes is amended to read as follows:

A "common school" is an elementary or secondary school of the state supported in whole or in part by public taxation. No school shall be deemed a "common school" or receive support from public taxation unless the school is taught by a qualified teacher for a term of eight or more months during the school year and every child residing in the district who is six years of age and over has had the privilege of attending it. Provided, however, that any child who is six years of age or who may become six years of age by January 1 following the opening of school may enter school provided that he enters within thirty calendar days of the beginning of that school year, with the exception that in schools having mid-year promotions any child who is six years of age or who may become six years of age within thirty calendar days after the opening of the second semester may enter school at the beginning of that semester. Any child who becomes six years of age later than January 1, following the opening of the school year shall not enter school during that year and in schools having mid-year promotions any child who becomes six years of age later than thirty days after the opening of the second semester shall not enter school during that semester.

With Committee amendment thereto, by way of substitute, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 158.030 of the Kentucky Revised Statutes is amended to read as follows:

A "common school" is an elementary or secondary school of the state supported in whole or in part by public taxation. No school shall be deemed a "common school" or receive support from public taxation unless the school is taught by a qualified teacher for a term of eight or more months during the school

year and every child residing in the district who is six years of age and over has had the privilege of attending it. Provided, however, that any child who is six years of age or who may become six years of age by September 30 following the opening of school may enter enter school provided that he enters within thirty calendar days of the beginning of that school year, with the exception that in schools having mid-year promotions any child who is six years of age or who may become six years of age within thirty calendar days after the opening of the second semester may enter school at the beginning of that semester. Any child who becomes six years of age later than September 30 following the opening of the school year shall not enter school during that year and in schools having mid-year promotions any child who becomes six years of age later than thirty days after the opening of the second semester shall not enter school during that semester.

Sec. 2. Any member of a school board who votes to permit entrance to a school of any child not eligible therefor under the provisions of KRS 158.030 shall be fined not less than five dollars nor more than fifty dollars.

With the expression of opinion that same should pass by way of Committee substitute.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Walter R. Moorman, Chairman of the Committee on Agriculture, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 85. AN ACT relating to the control of Black Shank and other diseases of tobacco and to appropriate money for that purpose.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 272. AN ACT relating to taxation of liquefied petroleum gases.

With the expression of opinion that same should not pass.

No motion having been made to give said bill a first reading, the report of the committee to the contrary notwithtsanding, it was ordered that said bill be not read the first time, and

So said bill was rejected.

Mr. Alex H. Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 195. AN ACT relating to the review of Federal Aid Administrative Budgets.

With the expression of opinion that same should not pass.

No moiton having been made to give said bill a first reading, the report of the committee to the contrary notwithstanding, it was ordered that said bill be not read the first time, and

So said bill was rejected.

Mr. Walter R. Moorman, Chairman of the Committee on Agriculture, to which the same had been recommitted, reported a bill of the following title, viz:

H. B. No. 212. AN ACT relating to rabies control, livestock and dog protection.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. For the purposes of this Act, the following terms shall have the following meanings:

(1) "Livestock" shall include horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine, and confined and domesticated hares and rabbits.

(2) "Poultry" shall include all domesticated fowl and all game birds which are legally kept in captivity.

(3) "Persons" shall include state and local officers, employes, individuals, corporations, co-partnerships and associations.

(4) "Owner," when applied to the proprietorship of a dog, shall include every person having right of property in such dog, and every person who keeps or harbors such dog or has it in his care, and every person who keeps or harbors such dog or has it in his care, and every person who permits such dog to remain on or about any premises owned or occupied by him.

(5) "Kennel" shall mean any establishment wherein or whereon dogs are kept for the purpose of breeding, sale, show or sporting purposes, and which is so constructed that dogs cannot stray therefrom.

(6) "Police Officer" shall mean any person employed or elected by this Commonwealth, or by any municipality, county, or district, whose duty it is to preserve peace or to make arrests or to enforce the law. The term includes State Police, game, fish and forest wardens, sheriffs, deputy sheriffs, constables, policemen and all other police or peace officers for any officer or employe of the Agriculture Department, and "Sheriff" shall include deputy sheriffs.

(7) "Agriculture Department" means the Department of Agriculture, Labor and Statistics.

(8) "Agriculture Commissioner" means the Commissioner of Agriculture, Labor and Statistics.

(9) "Health Department" means the Department of Health.

(10) "Health Commissioner" means the Commissioner of Health.

(11) "Committee" means the Joint Advisory Committee established pursuant to this Act and empowered by provisions of this Act, and the provisions of any subsequent acts, to coordinate the enforcement of this Act.

(12) "Livestock Fund" means the fund established pursuant to this Act and shall include all receipts received through the Agriculture Department under the terms of this Act and in

addition thereto, any appropriations made by the terms of this Act and by the terms of any subsequent Acts.

(13) "License" shall mean the dog or kennel license established and issued pursuant to provisions of this Act.

(14) "Vaccination Certificate" shall mean the official certificate of antirabies vaccination established and issued pursuant to the provisions of this Act.

(15) "Vaccinate" shall mean the subcutaneous or intramuscular injection of antirabies vaccine in doses recommended by the International Committee on Rabies or according to such standards as may be prescribed by the Health Commissioner.

(16) "Vaccine" shall mean the antirabies canine vaccine produced in a laboratory licensed by the United States to produce such vaccine.

(17) "Veterinarian" shall mean a practitioner of veterinary medicine who is duly licensed in the Commonwealth of Kentucky or who is specifically exempt from license by the provisions of KRS 321.200 subsections (d) and (e).

Section 2. As soon as possible after July 1, 1952, and on or before July 1 of each year after 1952, the owner of any dog six months old or over shall have such dog vaccinated according to the provisions of this Act.

Section 3. On or before July 1, 1953, and on or before July 1 of each year thereafter, the owner of any dog six months old or over shall apply to the sheriff of the county in which he resides or to the Agriculture Department for a license for each such dog owned or kept by him. Such application shall be accompanied by a license fee of $1.50 for each dog. The sheriffs of the counties shall be agents of the Commonwealth in the collection of the license fees provided for herein, unless and until the Agriculture Department shall determine, with the approval of the Governor, to issue all licenses directly; and for services rendered in collecting and paying over the same, such sheriffs shall be allowed to retain the sum of 25c for each license. The balance of the license fee collected shall be paid to the Agriculture Department on or before the 15th day of each next

succeeding month and shall be paid into the State Treasury by the Agriculture Department and credited to the Livestock Fund.

Section 4. A dog license bearing a serial number and such other information as will properly identify the dog shall be issued on a form prescribed and supplied by the Agriculture Department and shall be void on January 1 of the following year. Upon issuance of the license, the owner shall be furnished a tag prescribed and supplied by the Agriculture Department bearing a serial number corresponding with the serial number of the license. If a license or tag is lost, duplicates shall be issued.

Section 5. (1) The tag provided for in Section 4 of this Act shall be affixed to a substantial collar furnished by the owner which shall be kept on the dog at all times, and only the owner or his authorized agent shall remove the collar with attached tag from any dog.

(2) No license or tag issued for one dog shall be transferrable to another dog except as provided in Section 8 of this Act.

(3) Any dog not bearing a tag shall prima facie be deemed to be unlicensed, and in any proceedings under this Act the burden of proof of the fact that a dog has been licensed shall be on the owner of the dog.

Section 6. Any person becoming the owner of a dog which has not already been licensed after July 1 of any year, and any owner of any dog which becomes six months old after July 1 of any year shall forthwith apply for and procure a license and tag for his dog in the same manner as the annual license is obtained.

Section 7. (1) Any person who keeps or operates a kennel may, in lieu of the license for each dog required by Section 3 of this Act, apply to the sheriff or the Agriculture Department for a kennel license entitling him to keep or operate the kennel. Such application shall be accompanied by a license fee of $10.00 for each license to keep ten dogs or less and tewnty-five dollars for each license to keep more than ten dogs. Such kennel license fees shall be collected, paid to the Agriculture Department, converted in to the State Treasury and credited to the Livestock

Fund in the same manner as the regular dog license fees as provided in Section 3 of this Act.

(2) A kennel license shall be issued on a form prescribed and supplied by the Agriculture Department.

Section 8. (1) Upon the issuance of a kennel license, the person who keeps or operates the kennel shall be furnished a number of tags prescribed and supplied by the Agriculture Department equal to the number of dogs authorized to be kept in the kennel.

(2) The licensee of a kennel shall keep a tag attached to a collar on each dog kept by him at all times, and such tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel.

Section 9. (1) No dog authorized to be kept by a kennel licensee shall be permitted to stray or be taken anywhere outside the limits of the kennel, except temporarily and in leash, or temporarily for the purpose of hunting, breeding, trial or show.

(2) Any dog outside of the kennel in violation of subsection (1) of this section shall be considered as if never licensed.

Section 10. Each sheriff shall keep a record of all dog and kennel licenses issued and shall report to the Agriculture Department monthly his license sales on a form prescribed and supplied by the Agriculture Department. The record maintained shall be a public record.

Section 11. The county tax commissioner in each county shall annually, at the time of assessing real property, make diligent inquiry as to the number of dogs owned, harbored, or kept by a person. He shall make a complete report of his findings to the sheriff and the Agriculture Department on a form prescribed and supplied by the Agriculture Department on or before December 31 of each year.

Section 12. The Agriculture Commissioner charged with the enforcement of the provisions of this Act relating to the licensing and regulation of dogs and the protection of livestock from damage by dogs. He may employ all proper means and may enter into agreements with local agencies and organizations

to aid and assist in the enforcement of the Act. The Agriculture Department shall make and promulgate such rules and regulations for the enforcement of this Act as the Agriculture Commissioner may deem reasonable and necessary. The Agriculture Department may employ such personnel as may be necessary, and persons so employed shall have all of the powers of peace or police officers with respect to the enforcement of this Act and may enter upon the premises of any person for the purpose of investigation upon displaying a badge of identification to be furnished by the Agriculture Department.

Section 13. The Health Commissioner shall be charged with the enforcement of the provisions of this Act relating to the vaccination of dogs and the issuing of vaccination certificates. He may employ all proper means and may enter into agreements with local agencies and organizations to aid and assist in the enforcement of the Act. The Health Department may employ such personnel as may be necessary for the effective enforcement of the provisions of this Act for which it is responsible. The Health Department shall make and promulgate such rules and regulations as the Health Commissioner may deem reasonable and necessary.

Section 14. To achieve the coordination essential to enforcement of this Act, the responsibility for advising the Agriculture Department and the Health Department, as well as conferring approval where provided for herein, is vested in a Joint Advisory Committee. The Committee shall be composed of the Agriculture Commissioner, or his designate, the Health Commissioner, or his designate, and four members appointed by the Governor as follows: one from a list of three persons nominated by the Kentucky Veterinary Medical Association, one from a list of three persons nominated by the Kentucky Farm Bureau Federation, one from a list of three persons nominated by the Bluegrass State Sheep Association, and one from a list of three persons nominated by the Kentucky Purebred Livestock Association. The appointed members shall serve for a term of four years and until their successors are appointed and qualify. The committee shall elect a chairman and shall meet at such time and such place as the chairman shall designate. Four members present at any meeting shall constitute a quorum, and upon

the written request of any three members the chairman shall call a meeting of the committee at the time and place requested. Committee members not already employed by the state shall be compensated at the rate of $15.00 per day for committee services rendered and shall be reimbursed for any actual expense incurred in performing committee duties.

Section 15. (1) All costs and expenses incident to the enforcement of this Act incurred by the Agriculture Department shall be paid out of the Livestock Fund; provided, however, that the total amount so paid shall not exceed $170,000 in any fiscal year except upon approval of the committee.

(2) All costs and expenses incident to the enforcement of this Act incurred by the Health Department shall be paid out of the Livestock Fund; provided, however, that the total amount so paid shall not exceed $30,000 in any fiscal year, except with approval of the committee.

Section 16. (1) There shall be held in each county of the state annually at such time and for such duration as the Health Department shall prescribe a dog vaccination clinic so that all dog owners may have a reasonable period of time during which to have their dogs vaccinated.

(2) Except as provided in subsections (3) and (4), the clinic in each county shall be conducted by veterinarians who practice veterinary medicine in the county where the clinic is held.

(3) In those counties where no veterinarian practices veterinary medicine, the Health Department shall obtain veterinarians from other counties of the state to conduct the clinic; but if none can be obtained, the Health Department shall designate veterinarians who are employed by the Commonwealth of Kentucky or the Bureau of Animal Industry of the United States Department of Agriculture to conduct the clinic. Veterinarians who are so employed and designated shall be furnished vaccine necessary to conduct the clinic paid for out of the Livestock Fund and the Health Department shall reimburse them for travel and other actual expenses incurred in conducting the clinic.

(4) If no veterinarians can be obtained according to the

provisions of subsection (1), (2), and (3), the clinic may be conducted and vaccine administered by a person whom the Health Department has authorized, and properly instructed in the administration of antirabies vaccine.

Section 17. (1) In a county where there is a practicing veterinarian the vaccination of any dog at any time other than during the vaccination clinic provided for in Section 16 of this Act shall be by a veterinarian.

(2) In a county where there is no practicing veterinarian the vaccination of any dog at any time other than during the vaccination clinic provided for in Section 16 of this Act shall be by a person whom the Health Department has authorized and properly instructed in the administration of antirabies vaccine.

Section 18. (1) For the vaccination of each dog pursuant to the provisions of subsection (1) of section 16, the owner thereof shall pay to the veterinarian or authorized person performing this service a fee as follows:

(a) For vaccination at a vaccination clinic the sum of $1.00; provided, however, that after one year from the effective date of this Act, the Health Department, with approval of the committee, may adjust this fee to an amount in line with charges of cost of the service performed;

(b) For vaccination other than at a vaccination clinic such amount as the veterinarian or authorized person performing the vaccination usually charges for such service.

(2) All fees for vaccination collected according to the provisions of Section 16, subsections (3) and (4), of this Act by veterinarians or authorized persons employed by the Commonwealth of Kentucky or the United States shall be paid by them to the Commissioner of Agriculture and credited to the Livestock Fund.

Section 19. The veterinarian or other authorized person who vaccinates a dog shall issue to the owner thereof a vaccination certificate on a form prescribed and supplied by the Health Department. The vaccination certificate shall be prepared and issued in duplicate: one copy to be retained and filed by the

issuing veterinarian or authorized person, one copy to be retained by the owner of the dog vaccinated. No vaccination certificate shall be issued or be valid for more than one year unless and until the Health Department authorizes the use of a new vaccine which may be developed and which demonstrates its ability to confer longer immunity.

Section 20. When the incidence of rabies in dogs in any county or designated area of this state decreases sufficiently to warrant it, the Health Department, with approval of the committee, may declare the county or area free from rabies in dogs. When such a declaration has been made, the Health Department shall notify the sheriff or sheriffs concerned in writing, and, after publicizing the declaration by regulations which give adequate notice to all dog owners, may suspend the provisions of this Act which require that all dogs subject to license shall be vaccinated.

Section 21. (1) Any person may bring, or cause to be brought into the state, for a period of thirty days, one or more dogs for show, trial, or breeding purposes without securing a license, and any person holding a Kentucky nonresident hunting license may, without securing a license or licenses therefor, bring or cause to be brought into the state one or more dogs for the purpose of hunting game during any hunting season when hunting with dogs is permitted by law, if a similar exemption from the necessity of securing dog licenses is afforded for hunting purposes to residents of Kentucky by the state of such person's residence; provided, however, that each dog is equipped with a collar bearing a name plate giving the name and address of the owner.

(2) In any proceedings under this Act the burden of proof of the fact that a dog has been imported for hunting, breeding trial or show purposes shall be upon the owner of the dog.

Section 22. (1) It shall be the duty of every police officer to seize and detain any dog which bears a proper license tag and which is found running at large, either upon the public streets or highways of the Commonwealth, or upon the property of other than the owner of such dog, and unaccompanied by the owner or keeper. Any police officer is hereby authorized

and empowered to go upon any premises and enter any building to seize and detain any dog which has been found running at large unaccompanied by the owner or keeper, when such police officer is in any immediate pursuit of any such dog. The police officer shall cause any dog bearing a proper license tag and so seized and detained to be properly kept and fed, and shall cause immediate notice, either personal or by registered mail, to be given to the person in whose name the license was procured, or his agent, to claim such dog within ten days. The owner of a dog so detained shall pay all reasonable expenses incurred by reason of its detention, under the provisions of this section, before the dog is returned. If, after ten days from the giving of such notice, the dog has not been claimed, the police officer shall dispose of such dog by sale or by destruction in some humane manner. No dog so caught and detained shall be sold for the purpose of vivisection. All moneys derived from the sale of such dog, after deducting the expense of its detention and sale, shall be paid to the Agriculture Commissioner and credited to the Livestock Fund.

(2) It shall be the duty of every police officer to destroy any dog which does not bear a proper license tag, which is found running at large.

Section 23. An officer shall be paid the sum of two dollars for destroying and properly disposing of the carcass of each unlicensed dog by cremation, burial, or other approved sanitary method. All expenses incurred under this or the preceding section and not otherwise provided for, shall be paid by the Agriculture Commissioner from the Livestock Fund.

Section 24. (1) It shall be unlawful for any police officer to refuse to perform his duties under the provisions of this Act, or to refuse to assist in the enforcement of this Act upon request of the Agriculture Commissioner.

(2) It shall be unlawful for any person to interfere with any officer or agent in the enforcement of this Act.

Section 25. (1) Any person may kill any dog which he sees in the act of pursuing, worrying, or wounding any livestock, or wounding or killing poultry, or attacking human be-

ings, whether or not such dog bears the license tag required by the provisions of this Act. There shall be no liability on such person in damages or otherwise for such killing.

(2) Any unlicensed dog, not accompanied by its owner or keeper, that enters any field or inclosure where livestock or poultry are confined shall constitute a private nuisance and the owner or tenant of such field, or his agent or servant, may kill such dog while it is in the field or inclosure, without liability or responsibility of any nature of such killing.

(3) Subsection (2) hereof shall not apply to licensed dogs, when accompanied by their owner or handler, unless caught in the act of worrying, wounding or killing any livestock, or wounding or killing poultry, or attacking human beings.

(4) Any person who has been attacked by a dog, or any one for such person, may make a complaint before a Justice of the Peace, or Judge of any Police or Quarterly Court, charging the owner or keeper of such dog with harboring a vicious dog. A copy of such complaint shall be served upon the person so charged in the same manner and subject to the same laws regulating the service of summons in civil actions directing him to appear for a hearing of such complaint at a time fixed therein. If such person shall fail to appear at the time fixed, or if upon a hearing of the parties and their witnesses, the Court shall find the person so charged is the owner or keeper of the dog in question, and that the dog has viciously and without cause, attacked a human being when off the premises of the owner or keeper, such official shall order the said owner or keeper to henceforth keep such dog securely confined.

(5) For his services in such proceedings, the judge or justice of the peace and the police officer shall be entitled to the same fees to which they are entitled for performing similar services in civil cases. In all proceedings under this section, such court shall place the costs upon either party as he may determine.

(6) It shall be unlawful for the owner or keeper of any vicious dog, after receiving such order, to permit such dog to run at large, or to appear on the public highways unless in leash.

Any such dog found running at large may be killed by any police officer without liability for damages for such killing.

Section 26. (1) All dogs are hereby declared to be personal property and subjects of larceny. Except as provided in Section 25 of this Act, it is unlawful for any person, except a police officer, to destroy, injure, or poison, to attempt to destroy, injure, or poison, any dog which bears a license tag for the current year.

(2) It shall be unlawful for any person to place any dog-button or any poison of any description in any place, on his own premises or elsewhere, where it may be easily found and eaten by dogs.

Section 27. It shall be unlawful for the owner or keeper of any female dog to permit her to go beyond the premises of such owner or keeper at any time she is in heat, unless she is properly in leash.

Section 28. (1) The owner or keeper of every dog shall at all times between the hours of sunset and sunrise of each day keep such dog: (a) confined within an inclosure from which it cannot escape, or (b) firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured, or (c) under the reasonable control of some person or when engaged in lawful hunting accompanied by an owner or handler.

(2) Any police officer may destroy any dog found running at large between the hours of sunset and sunrise and unaccompanied and not under the control of the owner or handler.

Section 29. (1) Any owner or keeper of a dog which has killed or injured livestock or poultry or which has bitten such livestock or poultry so severely as to necessitate its destruction, shall be liable to the owner of such livestock or poultry, in a civil action, for all damages and costs, or to the Commonwealth.

(2) Whenever any person sustains any loss or damage to any livestock or poultry by dogs, or any livestock or poultry of any person is necessarily destroyed because of having been bitten by a dog, except when such loss, destruction or damage shall

have been caused by a dog harbored by the owner of such livestock or poultry, such person or his agent or attorney may, immediately after the damage is done, complain to a duly authorized agent of the Agriculture Department. Such complaint shall be in writing, shall be signed by the person making such complaint, and shall state when, where, and how such damage was done, and by whose dog or dogs, if known. Upon receipt of such complaint, the agent of the Agriculture Department shall at once examine the place where the alleged loss or damage was sustained and the livestock or poultry injured or killed, and shall examine under oath or affirmation, any witnesses called before him. After making diligent inquiry in relation to such claim, such agent, acting as appraiser, shall determine whether any damage has been sustained and the amount thereof and, if possible, who was the owner of the dog or dogs by which such damage was done. If the owner does not agree as to the amount of damage allowed by the appraiser, the owner and appraiser may appoint a disinterested citizen to assist in determining the amount of damage sustained. For such services, the said disinterested citizen shall receive two dollars and mileage at five cents per mile for the distance traveled, which shall be paid by the owner and considered as part of the costs in such claim.

Section 30. (1) Upon receipt by the Agriculture Department of the appraisal report, the Agriculture Commissioner, if he approves the report, shall certify the amount thereof, together with the costs of the proceedings, to the Department of Finance which draws a warrant in the amount thereof on the State Treasurer payable out of the Livestock Fund. If the commissioner does not approve the appraisal report, he shall ascertain the amount of damage sustained.

(2) The state shall succeed to all rights and interests of the owner of livestock or poultry which has been killed or injured by dogs to the extent of any payment made by the state out of the Livestock Fund.

Section 31. (1) No payment shall be made for any injury to or destruction of livestock or poultry if payment has been made by the owner of the dog or dogs doing the injury. The fact that no such payment has been made shall be certified by the claimant.

(2) When any payment is made by the state for any livestock or poultry injured by a dog, such payment shall not exceed one hundred dollars for each horse, or mule; one hundred and fifty dollars for each head of registered cattle; one hundred twenty-five dollars for each head of unregistered cattle; twenty-five dolars for each head of unregistered swine, sheep or goats; fifty dollars for each head of registered swine, sheep or goats; three dollars for each full grown goose; five dollars for each full grown turkey; and one dollar for each head of other poultry, or domesticated hare or rabbit. All appraisals under this Act shall be the actual value of the livestock, including poultry killed or injured.

Section 32. Owners of licensed dogs which are killed by any police officer, without justification under the provisions of this Act, shall be recompensed for the value of such dog out of the Livestock Fund in the same manner as owners of livestock or poultry killed or injured by dogs are recompensed. The proceedings for appraisal of the value of the dog and payment of the claim shall conform to the procedures prescribed by Sections 29 and 30 of this Act except that no claim shall exceed one hundred dollars.

The state shall recover the amount paid to the owner of the dog from the officer responsible for the unjustified killing.

Section 33. (1) Any valid claims, or parts thereof, for loss or damage to sheep, horses, mules, cattle, swine or poultry which have accrued under the provisions of Chapter 258 of the Kentucky Revised Statutes, and any such claims which may accrue prior to July 1, 1952 shall not abate by reason of the repeal of such Act, but to the extent that funds are available for the payment thereof, such claims shall be paid out of the available fund of the proper county; and for such purposes the provisions of said Act are hereby saved from repeal.

(2) Any such claims remaining unpaid out of the available fund of the proper county after December 31, 1953, shall be paid from the Livestock Fund to the extent of available funds as determined by the committee and in the order of their presentation; provided, however, that no such claims presented after December 31, 1954, shall be so paid.

Section 34. (1) If, in the report of the appraiser, the name of the owner of any dog or dogs having caused loss or damage to any livestock or poultry is definitely and conclusively shown or if a written complaint is filed with the Commissioner of Agriculture by any owner of livestock or poultry against any dog, stating that such dog has been seen pursuing or worrying livestock or poultry, and if such charge is proven by investigation on the part of the Agriculture Department, the Agriculture Commissioner may notify the owner or keeper of such dog to immediately destroy the same; whereupon it shall be unlawful and a violation of this Act for such owner or keeper to permit or cause such dog, while alive, to leave or be removed from such premises. The destroying of such dogs shall not remove the liability of the owner for such damage done by his dog. Upon failure of such owner to comply with such order within a period of ten days, any police officer, upon notice from the Agriculture Department, shall destroy such dog wherever found. For such service he shall be entitled to a fee of one dollar for each dog so destroyed, to be paid out of the Livestock Fund upon presentation to the Agriculture Department of satisfactory proof that such dog has been destroyed by him.

(2) Any person who owns or harbors an unlicensed dog shal forfeit any right to be reimbursed out of the Livestock Fund for any damage to his livestock or poultry by dogs.

Section 35. It shall be unlawful for any person knowingly to make any false statement or to conceal any fact required to be disclosed under any of the provisions of this Act.

Section 36. (1) When the inhabitants of any city, or county, or of any part thereof, have suffered an excessive amount of damage to livestock or poultry or domestic game birds by dogs, a petition may be presented to the Agriculture Commissioner, signed by twenty or more of such inhabitants who are owners of livestock or poultry, alleging such excessive damage and requesting that a quarantine be placed on all dogs within the limits of such city, or county, or such part thereof. Upon receipt of such petition, the Agriculture Department may, through its authorized agents, have an investigation made of the facts alleged therein and, if convinced that conditions in such

city, county, or such designated area, demand such stringent measures, may establish a dog control quarantine therein.

(2) When such quarantine is established, at least ten notices thereof shall be posted throughout the area affected thereby, and notices thereof shall also be published in at least one issue of a newspaper of general circulation throughout such city, or county.

(3) It shall be unlawful for any person, residing in the area affected by such quarantine, to permit a dog owned or harbored by him to run at large in such quarantined area, or to leave the premises where it is kept, unless accompanied by and under the control of the owner or a handler.

(4) Any police officer may destroy any dog running at large in a quarantined area, in violation of such quarantine, without any liability for such destruction.

Section 37. Notwithstanding any of the terms or provisions of this Act, the Commonwealth of Kentucky shall not be liable for any loss, injury to, or destruction of livestock, poultry, or licensed dogs under any of the terms or provisions of this Act except as to such claims arising after June 30, 1953, and then only to the extent that monies may be available in the Livestock Fund for the payment of such claims. Within the meaning of this section, the loss, injury to, or damage of livestock, poultry or licensed dogs must happen or occur after June 30, 1953.

Section 38. Nothing in this Act shall be construed to prohibit or to limit the right of any municipality to pass or enforce any ordinance with respect to the regulation of dogs, the provisions of which are not inconsistent with the terms and provisions of this Act. Nothing in this Act shall be construed to repeal any of the provisions of the fish and game laws of the Commonwealth of Kentucky now in effect, nor any laws relating to the powers and duties of the State Board of Health, or of any health officer relating to mad dogs or dogs affected with any disease, or to prohibit the destroying of licensed or unlicensed dogs in accordance with the provisions of any quarantine regulations made in accordance with the provisions of any local or state health law.

Section 39. (1) Any person violating or failing or refusing to comply with any of the provisions of this Act shall, upon conviction, be fined not less than five dollars nor more than one hundred dollars or imprisoned for not less than five nor more than sixty days or both so fined and imprisoned.

(2) All fines collected under this Act shall, after costs and commissions have been deducted, be paid to the Agriculture Department to be converted to the State Treasury and credited to the Livestock Fund.

Section 40. Except as provided in Section 33 of this Act, Chapter 258 of the Kentucky Revised Statutes hereby is repealed in its entirety.

Section 41. In addition to the license fees, fines and other revenues provided by this Act, there hereby is appropriated to the Agriculture Department for the account of the Livestock Fund for the administration and enforcement of this Act, the sum of $30,000 for the fiscal year 1952-53.

Section 42. The Livestock Fund shall constitute a revolving fund and any balance remaining in said fund at the end of any fiscal year shall be carried over to the next succeeding year and no part thereof shall revert to the General Fund, except that on the first day of January, 1955, and on the first day of January of any year thereafter any unencumbered sum in excess of $200,000 standing to the credit of the Livestock Fund shall revert to the General Fund.

With the committee amendment thereto, by way of substitute, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. For the purposes of this Act, the following terms shall have the following meanings:

(1) "Livestock" shall include horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine, and confined and domesticated hares and rabbits.

(2) "Poultry" shall include all domesticated fowl and all game birds which are legally kept in captivity.

(3) "Persons" shall include state and local officers, employes, individuals, corporations, co-partnerships and associations.

(4) "Owner," when applied to the proprietorship of a dog, shall include every person having a right of property in such dog, and every person who keeps or harbors such dog or has it in his care, and every person who permits such dog to remain in or about any premises owned or occupied by him.

(5) "Kennel" shall mean any establishment wherein or whereon dogs are kept for the purpose of breeding, sale, show or sporting purposes, and which is so constructed that dogs cannot stray therefrom.

(6) "Police Officer" shall mean any person employed or elected by this Commonwealth, or by any municipality, county, or district, whose duty it is to preserve peace or to make arrests or to enforce the law. The term includes State Police, game, fish and forest wardens, sheriffs, deputy sheriffs, constables, policemen and all other police or peace officers for any officer or employe of the Agriculture Department, and "Sheriff" shall include deputy sheriffs.

(7) "Agriculture Department" means the Department of Agriculture, Labor and Statistics.

(8) "Agriculture Commissioner" means the Commissioner of Agriculture, Labor and Statistics.

(9) "Board of Agriculture" shall mean the State Board of Agriculture.

(10) "Health Department" means the Department of Health.

(11) "Health Commissioner" means the Commissioner of Health.

(12) "Committee" means the Joint Advisory Committee established pursuant to this Act and empowered by provisions of this Act, and the provisions of any subsequent acts, to coordinate the enforcement of this Act.

(13) "Livestock Fund" means the fund established pursuant to this Act and shall include all receipts received through the Agriculture Department under the terms of this Act and in addition thereto, any appropriations made by the terms of this Act and by the terms of any subsequent Acts.

(14) "License" shall mean the dog or kennel license established and issued pursuant to provisions of this Act.

(15) "Vaccination Certificate" shall mean the official certificate of antirabies vaccination established and issued pursuant to the provisions of this Act.

(16) "Vaccinate" shall mean the subcutaneous or intramuscular injection of antirabies vaccine in doses recommended by the International Committee on Rabies according to such standards as may be prescribed by the Kentucky State Board of Agriculture.

(17) "Vaccine" shall mean the antirabies canine vaccine produced in a laboratory duly licensed with the Kentucky State Board of Agriculture.

(18) "Veterinarian" shall mean a practitioner of veterinary medicine who is duly licensed and accredited in the Commonwealth of Kentucky.

Section 2. As soon as possible after July 1, 1952, the owner of any dog six months old or over shall have such dog vaccinated according to the provisions of this Act.

Section 3. On or before July 1, 1952, and on or before July 1 of each year thereafter, the owner of any dog six months old or over shall apply to the sheriff of the county in which he resides for a license for each such dog owned or kept by him. Such application shall be accompanied by a license fee of $1.50 for each dog. Any license issued for the year of 1952 before July 1, 1952 will be effective until July 1, 1953. The sheriffs of the counties shall be agents of the Commonwealth in the collection of the license fees provided for herein, unless and until the Agriculture Department shall determine, with the approval of the Governor, to issue all licenses directly; and for services rendred in collcting and paying over the same, such sheriffs

shall be allowed to retain the sum of 25c for each license. The balance of the license fee collected shall be paid to the Agriculture Department on or before the 15th day of each next succeeding month and shall be paid into the State Treasury by the Agriculture Department and credited to the Livestock Fund.

Section 4. A dog license bearing a serial number and such other information as will properly identify the dog shall be issued on a form prescribed and supplied by the Agriculture Department and shall be void on July 1 of the following year. Upon issuance of the license, the owner shall be furnished a tag prescribed and supplied by the Agriculture Department bearing a serial number corresponding with the serial number of the license. If a license or tag is lost, duplicates shall be issued.

Section 5. (1) The tag provided for in Section 4 of this Act shall be affixed to a substantial collar furnished by the owner which shall be kept on the dog at all times, and only the owner or his authorized agent shall remove the collar with attached tag from any dog.

(2) No license or tag issued for one dog shall be transferrable to another dog except as provided in Section 2 of this Act.

(3) Ang dog not bearing a tag shall prima facie be deemed to be unlicensed, and in any proceedings under this Act the burden of proof of the fact that a dog has been licensed shall be on the owner of the dog.

Section 6. Any person becoming the owner of a dog which has not already been licensed after July 1 of any year, and any owner of any dog which becomes six months old after July 1 of any year shall forthwith apply for and procure a license and tag for his dog in the same manner as the annual license is obtained.

Section 7. (1) Any person who keeps or operates a kennel may, in lieu of the license for each dog required by Section 4 of this Act, apply to the sheriff or the Agriculture Department for a kennel license entitling him to keep or operate the kennel. Such application shall be accompanied by a license fee of $10.00 for each license to keep ten dogs or less and twenty-five dollars for each license to keep more than ten dogs. Such kennel li-

cense fees shall be collected, paid to the Agriculture Department, converted into the State Treasury and credited to the Livestock Fund in the same manner as the regular dog license fees as provided in Section 3 of this Act.

(2) A kennel license shall be issued on a form prescribed and supplied by the Agriculture Department.

Section 8. (1) Upon the issuance of a kennel license, the person who keeps or operates the kennel shall be furnished a number of tags prescribed and supplied by the Agriculture Department equal to the number of dogs authorized to be kept in the kennel.

(2) The licensee of a kennel shall keep a tag attached to a collar on each dog kept by him at all times, and such tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel.

Section 9. (1) No dog authorized to be kept by a kennel licensee shall be permitted to stray or be taken anywhere outside the limits of the kennel, except temporarily and in leash, or temporarily for the purpose of hunting, breeding, trial or show.

(2) Any dog outside of the kennel in violation of subsection (1) of this Section shall be considered as if never licensed.

Section 10. Each sheriff shall keep a record of all dog and kennel licenses issued and shall report to the Agriculture Department monthly his license sales on a form prescribed and supplied by the Agriculture Department. The record maintained shall be a public record.

Section 11. The county tax commissioner in each county shall annually, at the time of assessing real property, make diligent inquiry as to the number of dogs owned, harbored, or kept by a person. He shall make a complete report of his findings to the sheriff and the Agriculture Department on a form prescribed and supplied by the Agriculture Department on or before December 31 of each year.

Section 12. The Agriculture Commissioner charged with the enforcement of the provisions of this Act relating to the licensing and regulation of dogs and the protection of livestock

from damage by dogs. He may employ all proper means and may enter into agreements with local agencies and organizations to aid and assist in the enforcement of the Act. The Agriculture Department shall make and promulgate such rules and regulations for the enforcement of this Act as the Agriculture Commissioner may deem reasonable and necessary. The Agriculture Department may employ such personnel as may be necessary, and persons so employed shall have all of the powers of peace or police officers with respect to the enforcement of this Act and may enter upon the premises of any person for the purpose of investigation upon displaying a badge of identification to be furnished by the Agriculture Department.

Section 13. The State Department of Health shall hold an annual clinic in each county for mass immunization. The Department of Agriculture shall assist the Board of Health in establishing said clinics. There shall be appropriated $15,000 annually to the State Department of Health for the expenses of holding said clinic.

Section 14. To achieve the coordination essential to enforcement of this Act, the responsibility for advising the Agriculture Department and the Health Department, as well as conferring approval where provided for herein, is vested in a Joint Advisory Committee. The Committee shall be composed of the Agriculture Commissioner, or his designate, the Health Commissioner or his designate, and five members appointed by the Governor as follows: one from a list of three persons nominated by the Kentucky Veterinary Medical Association, one from a list of three persons nominated by the Kentucky Farm Bureau Federation, one from a list of three persons nominated by the Bluegrass State Sheep Association, one from a list of three persons nominated by the Kentucky Purebred Livestock Association and one from a list of three persons nominated by Kennel Clubs of Kentucky. The appointed members shall serve for a term of four years and until their successors are appointed and qualify. The committee shall elect a chairman and shall meet at such time and such place as the chairman shall designate. Four members present at any meeting shall constitute a quorum, and upon the written request of any three members the chairman shall call a meeting of the committee at the time and place

requested. Committee members not already employed by the state shall be compensated at the rate of $15.00 per day for committee services rendered and shall be reimbursed for any actual expense incurred in performing committee duties.

Section 15. (1) All costs and expenses incident to the enforcement of this Act incurred by the Agriculture Department shall be paid out of the Livestock Fund; provided, however, that the total amount so paid shall not exceed $200,000 in any fiscal year except upon approval of the committee. There shall be appropriated to the Department of Agriculture $15,000 for the fiscal year 1952-53 for the purpose of initiating this Act.

Section 16. (1) There shall be held in each county of the state annually at such time and for such duration as the Board of Agriculture and State Board of Health shall prescribe, a dog vaccination clinic so that all dog owners may have a reasonable period of time during which to have their dogs vaccinated.

(2) Except as provided in subsection (3) and (4), the clinic in each county shall be conducted by veterinarians who practice veterinary medicine in the county where the clinic is held.

(3) In those counties where no veterinarian practices veterinary medicine, the Board of Agriculture shall obtain veterinarians from other counties of the state to conduct the clinic; but if none can be obtained, the Board shall designate veterinarians who are employed by the Commonwealth of Kentucky. Veterinarians who are so employed and designated shall be furnished vaccine necessary to conduct the clinic paid for out of the Livestock Fund. Travel and other actual expenses incurred in conducting the clinic shall be paid out of the Livestock Fund.

(4) The State Board of Agriculture shall assist the Department of Health in establishing vaccination clinics in the county.

Section 17. (1) In a county where there is a practicing veterinarian the vaccination of any dog at any time other than during the vaccination clinic provided for in Section 16 of this Act shall be by a veterinarian under the supervision of the Livestock Sanitation Division.

Section 18. (1) For the vaccination of each dog pursuant to the provisions of subsection (1) of section 16, the owner thereof shall pay to the veterinarian or authorized person performing this service a fee as follows:

(a) For vaccination at a vaccination clinic the sum of $1.00; provided, however, that after one year from the effective date of this Act, the Board of Agriculture, with approval of the committee, may adjust this fee to an amount in line with changes of cost of the service performed;

(b) For vaccination other than at a vaccination clinic such amount as the veterinarian usually charges for such service.

(2) All fees for vaccination collected according to the provisions of Section 16, subsections (3) and (4), of this Act by veterinarians or authorized persons employed by the Commonwealth of Kentucky shall be paid by them to the Commissioner of Agriculture and credited to the Livestock Fund.

Section 19. The veterinarian or other authorized person who vaccinates a dog shall issue to the owner thereof a vaccination certificate on a form prescribed and supplied by the Board of Agriculture. The vaccination certificate shall be prepared and issued in triplicate; one copy to be retained and filed by the issuing veterinarian or authorized person, one copy to be retained by the owner of the dog vaccinated. No vaccination certificate shall be issued or be valid for more than one year unless and until the Board of Agriculture authorized the use of a new vaccine which may be developed and which demonstrates its ability to confer longer immunity.

Section 20. When the incidence of rabies in dogs in any county or designated area of this state decreases sufficiently to warrant it, the Board of Agriculture, with approval of the committee, may declare the county or area free from rabies in dogs. When such a declaration has been made, the Board of Agriculture shall notify the sheriff or sheriffs concerned in writing, and, after publicizing the declaration by regulations which give adequate notice to all dog owners, may suspend the provisions of this Act which require that all dogs subject to license shall be vaccinated.

Section 21. (1) Any person may bring, or cause to be brought into the state, for a period of ninety days, one or more dogs for show, trial, or breeding purposes without securing a license, and any person holding a Kentucky nonresident hunting license may, without securing a license or licenses therefor, bring or cause to be brought into the State one or more dogs for the purpose of hunting game during any hunting season when hunting with dogs is permitted by law, if a similar exemption from the necessity of securing dog licenses is afforded for hunting purposes to residents of Kentucky by the state of such person's residence; provided, however, that each dog is equipped with a collar bearing a name plate giving the name and address of the owner.

(2) In any proceedings under this Act the burden of proof of the fact that a dog has been imported for hunting, breeding, trial or show purposes shall be upon the owner of the dog.

Section 22. (1) It shall be the duty of every police officer to seize and detain any dog which bears a proper license tag and which is found running at large, either upon the public streets or highways of the Commonwealth, or upon the property of other than the owner of such dog, and unaccompanied by the owner or keeper. Any police officer is hereby authorized and empowered to go upon any premises and enter any building to seize and detain any dog which has been found running at large unaccompanied by the owner or keeper, when such police officer is in any immediate pursuit of any such dog. The police officer shall cause any dog bearing a proper license tag and so seized and detained to be properly kept and fed, and shall cause immediate notice, either personal or by registered mail, to be given to the person in whose name the license was procured, or his agent, to claim such dog within ten days. The owner of a dog so detained shall pay all reasonable expenses incurred by reason of its detention, under the provisions of this section, before the dog is returned. If, after ten days from the giving of such notice, the dog has not been claimed, the police officer shall dispose of such dog by sale or by destruction in some humane manner. No dog so caught and detained shall be sold for the purpose of vivisection. All moneys derived from the sale of such dog, after

deducting the expense of its detention and sale, shall be paid to the Agriculture Commissioner and credited to the Livestock Fund.

(2) It shall be the duty of every police officer to destroy any dog which does not bear a proper license tag, which is found running at large.

Section 23. An officer shall be paid the sum of $1.50 for destroying and properly disposing of the carcass of each unlicensed dog by cremation, burial, or other approved sanitary method. All expenses incurred under this or the preceding section and not otherwise provided for, shall be paid by the Agriculture Commissioner from the Livestock fund.

Section 24. (1) It shall be unlawful for any police officer to refuse to perform his duties under the provisions of this Act, or to refuse to assist in the enforcement of this Act upon request of the Agriculture Commissioner.

(2) It shall be unlawful for any person to interfere with any officer or agent in the enforcement of this Act.

Section 25. (1) Any person may kill any dog which he sees in the act of pursuing, worrying, or wounding any livestock, or wounding or killing poultry, or attacking human beings, whether or not such dog bears the license tag required by the provisions of this Act. There shall be no liability on such person in damages or otherwise for such killing.

(2) Any unlicensed dog, not accompanied by its owner or keeper, that enters any field or inclosure where livestock or poultry are confined shall constitute a private nuisance and the owner or tenant of such field, or his agent or servant, may kill such dog while it is in the field or inclosure, without liability or responsibility of any nature for such killing.

(3) Subsection (2) hereof shall not apply to licensed dogs, when accompanied by their owner or handler, unless caught in the act of worrying, wounding or killing any livestock, or wounding or killing poultry, or attacking human beings.

(4) Any person who has been attacked by a dog, or any one for such person, may make a complaint before a Justice of

the Peace, or Judge of any Police or Quarterly Court, charging the owner or keeper of such dog with harboring a vicious dog. A copy of such complaint shall be served upon the person so charged in the same manner and subject to the same laws regulating the service of summons in civil actions directing him to appear for a hearing of such complaint at a time fixed therein. If such person shall fail to appear at the time fixed, or if upon a hearing of the parties and their witnesses, the Court shall find the person so charged is the owner or keeper of the dog in question, and that the dog has viciously and without cause, attacked a human being when off the premises of the owner or keeper, such official shall order the said owner or keeper to henceforth keep such dog securely confined.

(5) For his services in such proceedings, the judge or justice of the peace and the police officer shall be entitled to the same fees to which they are entitled for performing similar services in civil cases. In all proceedings under this section, such court shall place the cost upon either party as he may determine.

(6) It shall be unlawful for the owner or keeper of any vicious dog, after receiving such order, to permit such dog to run at large, or to appear on the public highways unless in leash. Any such dog found running at large may be killed by any police officer without liability for damages for such killing.

Section 26. (1) All licensed dogs are hereby declared to be personal property and subjects of larceny. Except as provided in Section 25 of this Act, it is unlawful for any person, except a police officer, to destroy, injure, or poison, or attempt to destroy, injure, or poison, any dog which bears a license tag for the current year.

(2) It shall be unlawful for any person to place any dog-button or any poison of any description in any place, on his own premises or elsewhere, where it may be easily found and eaten by dogs.

Section 27. It shall be unlawful for the owner or keeper of any female dog to permit her to go beyond the premises of such owner or keeper at any time she is in heat, unless she is properly in leash.

Section 28. (1) The owner or keeper of every dog shall at all times between the hours of sunset and sunrise of each day keep such dog: (a) confined within an inclosure from which it cannot escape, or (b) firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured, or (c) under the reasonable control of some person or when engaged in lawful hunting accompanied by an owner or handler.

(2) Any police officer may destroy any dog found running at large between the hours of sunset and sunrise and unaccompanied and not under the control of the owner or handler.

Section 29 (1) Any owner or keeper of a dog which has killed or injured livestock or poultry or which has bitten such livestock or poultry so severely as to necessitate its destruction, shall be liable to the owner of such livestock or poultry, in a civil action, for all damages and costs, or to the Commonwealth.

(2) Whenever any person sustains any loss or damage to any livestock or poultry by dogs, or any livestock or poultry of any person is necessarily destroyed because of having been bitten by a dog, except when such loss, destruction or damage shall have been caused by a dog harbored by the owner of such livestock or poultry, such person or his agent or attorney may, immediately after the damage is done, complain to a duly authorized agent of the Agriculture Department. Such complaint shall be in writing, shall be signed by the person making such complaint, and shall state when, where, and how such damage was done, and by whose dog or dogs, if known. Upon receipt of such complaint, the agent of the Agriculture Department shall at once examine the place where the alleged loss or damage was sustained and the livestock or poultry injured or killed, and shall examine under oath or affirmation, any witnesses called before him. After making diligent inquiry in relation to such claim, such agent, acting as appraiser, shall determine whether any damage has been sustained and the amount thereof and, if possible, who was the owner of the dog or dogs by which such damage was done. If the owner does not agree as to the amount of damage allowed by the appraiser, the owner and appraiser may appoint a disinterested citizen to assist in determining the

amount of damage sustained. For such services, the said disinterested citizen shall receive two dollars and mileage at five cents per mile for the distance traveled, which shall be paid by the owner and considered as part of the costs in such claim.

Section 30. (1) Upon receipt by the Agriculture Department of the appraisal report, the Agriculture Commissioner, if he approves the report, shall certify the amount thereof, together with the costs of the proceedings, to the Department of Finance which draws a warrant in the amount thereof on the State Treasurer payable out of the Livestock Fund. If the commissioner does not approve the appraisal report, he shall ascertain the amount of damage sustained.

(2) The state shall succeed to all rights and interests of the owner of livestock or poultry which have been killed or injured by dogs to the extent of any payment made by the State out of the Livestock Fund.

Section 31. (1) No payment shall be made for any injury to or destruction of livestock or poultry if payment has been made by the owner of the dog or dogs doing the injury. The fact that no such payment has been made shall be certified by the claimant.

(2) When any payment is made by the state for any livestock or poultry, injured by a dog, such payment shall not exceed one hundred dollars for each horse, or mule; one hundred and fifty dollars for each head of registered cattle; one hundred twenty-five dollars for each head of unregistered cattle; twenty-five dollars for each head of unregistered swine, sheep or goats; fifty dollars for each head of registered swine, sheep or goats; three dollars for each full grown goose; five dollars for each full grown turkey; and one dollar for each head of other poultry, or domesticated hare or rabbit. All appraisals under this Act shall be the actual value of the livestock, including poultry killed or injured.

Section 32. Owners of licensed dogs which are killed by any police officer, without justification under the provisions of this Act, shall be recompensed for the value of such dog out of the Livestock Fund in the same manner as owner of livestock or

poultry killed or injured by dogs are recompensed. The proceedings for appraisal of the value of the dog and payment of the claim shall conform to the procedures prescribed by Sections 29 and 30 of this Act except that no claim shall exceed one hundred dollars.

The state shall recover the amount paid to the owner of the dog from the officer responsible for the unjustified killing.

The state shall recover the amount paid to the owner of the dog from the officer responsible for the unjustified killing.

Section 33 (1) Any valid claims, or parts thereof, for loss or damage to sheep, horses, mules, cattle, swine or poultry which have accrued under the provisions of Chapter 258 of the Kentucky Revised Statutes, and any such claims which may accrue prior to July 1, 1952 shall not abate by reason of the repeal of such Act, but to the extent that funds are available for the payment thereof, such claims shall be paid out of the available fund of the proper county; and for such purposes the provisions of said Act are hereby saved from repeal.

(2) Any such claims remaining unpaid out of the available fund of the proper county after December 31, 1953, shall be paid from the Livestock Fund to the extent of available funds as determined by the committee and in the order to their presentation; provided, however, that no such claims presented after December 31, 1954, shall be so paid.

Section 34. (1) If, in the report of the appraiser, the name of the owner of any dog or dogs having caused loss or damage to any livestock or poultry is definitely and conclusively shown or if a written complaint is filed with the Commissioner of Agriculture by any owner of livestock or poultry against any dog, stating that such dog has been seen pursuing or worrying livestock or poultry, and if such charge is proven by investigation on the part of the Agriculture Department, the Agriculture Commissioner may notify the owner or keeper of such dog to immediately destroy the same; whereupon it shall be unlawful and a violation of this Act for such owner or keeper to permit or cause such dog, while alive, to leave or be removed from such premises. The destroying of such dogs shall not remove the liability

of the owner for such damage done by his dog. Upon failure of such owner to comply with such order within a period of ten days, any police officer, upon notice from the Agriculture Department, shall destroy such dog wherever found. For such service he shall be entitled to a fee of one dollar for each dog so destroyed, to be paid out of the Livestock Fund upon presentation to the Agriculture Department of satisfactory proof that such dog has been destroyed by him.

(2) Any person who owns or harbors an unlicensed dog shall forfeit any right to be reimbursed out of the Livestock Fund for any damage to his livestock or poultry by dogs.

Section 35. It shall be unlawful for any person knowingly to make any false statement or to conceal any fact required to be disclosed under any of the provisions of this Act.

Section 36. (1) When the inhabitants of any city, or county, or of any part thereof, have suffered an excessive amount of damage to livestock or poultry or domestic game birds by dogs, a petition may be presented to the Agriculture Commissioner, signed by twenty or more of such inhabitants who are owners of livestock or poultry, alleging such excessive damage and requesting that a quarantine be placed on all dogs within the limits of such city, or county, or such part thereof. Upon receipt of such petition, the Agriculture Department may, through its authorized agents, have an investigation made of the fact alleged therein, and if convinced that conditions in such city, county or such designated area, demand such stringent measures, may establish a dog control quarantine therein.

(2) When such a quarantine is established, at least ten notices thereof shall be posted throughout the area affected thereby, and notice thereof shall also be published in at least one issue of a newspaper of general circulation throughout such city, or county.

(3) It shall be unlawful for any person, residing in the area affected by such quarantine, to permit a dog owned or harbored by him to run at large in such quarantined area, or to leave the premises where it is kept, unless accompanied by and under the control of the owner or handler.

(4) Any police officer may destroy any dog running at large in a quarantined area, in violation of such quarantine, without any liability for such destruction.

Section 37. Notwithstanding any of the terms or provisions of this Act, the Commonwealth of Kentucky shall not be liable for any loss, injury to, or destruction of livestock, poultry, or licensed dogs under any of the terms or provisions of this Act except as to such claims arising after June 30, 1953, and then only to the extent that monies may be available in the Livestock Fund for the payment of such claims. Within the meaning of this section, the loss, injury to, or damage of livestock, poultry or licensed dogs must happen or occur after June 30, 1953.

Section 38. Nothing in this Act shall be construed to prohibit or to limit the right of any municipality to pass or enforce any ordinance with respect to the regulation of dogs, the provisions of which are not inconsistent with the terms and provisions of this Act. Nothing in this Act shall be construed to repeal any of the provisions of the fish and game laws of the Commonwealth of Kentucky now in effect, nor any laws relating to the powers and duties of the State Board of Health, or of any health officer relating to mad dogs or dogs affected with any disease, or to prohibit the destroying of licensed or unlicensed dogs in accordance with the provisions of any quarantine regulations made in accordance with the provisions of any local or state health law.

Section 39. (1) Any person violating or failing or refusing to comply with any of the provisions of this Act shall, upon conviction, be fined not less than five dollars nor more than one hundred dollars or imprisoned for not less than five nor more than sixty days or both so fined and imprisoned.

(2) All fines collected under this Act shall, after costs and commissionns have been deducted, be paid to the Agriculture Department to be converted to the State Treasury and credited to the Livestock Fund.

Section 40. Except as provided in Section 33 of this Act, Chapter 258 of the Kentucky Revised Statutes hereby is repealed in its entirety.

Section 41. The Livestock Fund shall constitute a revolving fund and any balance remaining in said fund at the end of any fiscal year shall be carried over the next succeeding year and no part thereof shall revert to the General Fund, except that on the first day of January, 1955, and on the first day of January of any year thereafter any unencumbered sum in excess of $200,000 standing to the credit of the Livestock Fund shall revert to the General Fund.

With the expression of opinion that same should pass by way of Committee substitute.

Said bill having had its first and second readings is now Ordered placed in the orders of the day.

Mr. Vance asked that it be recorded in the Journal of the House, that he desired, if possible, to withdraw his name as one of the sponsors of H. B. No. 359.

SENATE MESSAGE

A message was received from the Senate announcing that they had concurred and passed bills originating in the House, as follows, viz:

H. B. No. 101. AN ACT relating to the trust and agency fund of the Metal Stamping Plant in the Department of Welfare.

Said bill was ordered delivered to the Enrolling Clerk.

H. B. No. 100. AN ACT relating to the Department of Welfare, including smoking regulations in the Penal Institutions and Houses of Reform.

Said bill was ordered delivered to the Enrolling Clerk.

H. B. No. 99. AN ACT relating to support of children, amending section 405.020 of the KRS.

Said bill was ordered delivered to the Enrolling Clerk.

H. B. No. 70. AN ACT relating to fertilizer.

Said bill was ordered delivered to the Enrolling Clerk.

H. B. No. 152. AN ACT relating to the ad valorem tax system of the state, counties, cities and other taxing districts.

Said bill was ordered delivered to the Enrolling Clerk.

H. B. No. 11. AN ACT relating to terms of court in the Fifteenth Judicial District.

Said bill was ordered delivered to the Enrolling Clerk.

H. B. No. 148. AN ACT concerning promotion of agriculture and horticulture.

Said bill was ordered delivered to the Enrolling Clerk.

H. B. No. 157. AN ACT relating to children, and their care, custody, treatment and disposition; including provisions as to juvenile courts and as to the jurisdiction and powers of other courts concerning children, and provisions for the establishment of agencies and facilities of the state for the administration of state functions regarding children.

Said bill was ordered delivered to the Enrolling Clerk.

The Senate message further announced that they had passed bills originating in that body, as follows, viz:

S. B. No. 81. AN ACT relating to the appellate civil jurisdiction of the Court of Appeals.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 21.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) Appeals may be taken to the Court of Appeals as a matter of right from all final orders and judgments of circuit courts in civil cases except:

(a) Judgments where the value of the amount or thing in controversy is less than Twenty-Five Hundred Dollars ($2,500.00), exclusive of interest and costs;

(b) That portion of a judgment granting a divorce;

(c) Judgments punishing contempts;

(d) Bonds having the force of judgments.

(2) If the value of the amount or thing in controversy, exclusive of interest and costs, is as much as Two Hundred Dollars ($200.00), the Court of Appeals may grant an appeal from the judgment or final order of a circuit court when:

(a) It is satisfied from the record that the ends of justice require that the judgment appealed from be reversed; or

(b) The correct decision of a case cannot be had without construing a statute or section of the constitution put in issue in the case.

(3) Unless otherwise authorized by statute or code, no appeal shall be taken to the Court of Appeals from any order or judgment of any county, quarterly, police, fiscal or justice's court.

Sec. 2. Section 21.080 of the Kentucky Revised Statutes is amended to read as follows:

When the amount in controversy is as much as Two Hundred Dollars ($200.00), exclusive of interest and costs, and less than Twenty-five Hundred Dollars ($2,500.00), an appeal may be prosecuted upon paying the tax and filing the record in the office of the Clerk of the Court of Appeals in the time and manner provided by law, and entering a motion that the appeal be granted. If the court decides, after an examination of the record, that the appeal should not be granted, the motion shall be overruled without a written opinion.

Sec. 3. The amendments made by this Act shall not apply to appeals granted prior to the effective date of this Act; such appeals shall be governed by KRS 21.060 and 21.080 as they existed prior to the amendments made by this Act.

Said bill was ordered printed and referred.

S. B. No. 57. AN ACT relating to the practice of dentistry.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) The following branches of dentistry are

hereby recognized as suitable fields for the licensing and certification of Dental Specialist, and are known as "Specialties."

(a) Oral Surgery.

(b) Orthodentia.

(c) Pedodontia.

(d) Peridontia.

(e) Prosthodentia.

(f) Oral Pathology.

(2) As used in sections 1 through of this Act, unless the context requires otherwise:

(a) "Board" means the Kentucky State Board of Dental Examiners.

Section 2. No licensed dentist shall hold himself out to the public as being especially qualified in any branch of dentistry by announcing through the press, sign, card, letterhead or printed matter, or any means of public advertising using such terms as "specialist," or inserting the name of the specialty, or using other phrases customarily used by qualified specialists that would imply to the public that he is so qualified,, without first securing a specialist's license for same as provided in this Act.

Section 3. (1) Any dentist who is duly licensed and qualified to practice dentistry in this state on the date this Act becomes effective may obtain a license as a specialist in any of the branches of dentistry as set out in Section 1 of the Act by presenting to the board, within six months from the date this Act becomes effective, satisfactory evidence that, prior to the passage of this Act, he was holding himself out to the public as a specialist and was specializing in the branch of dentistry for which a specialty license is sought.

(2) Any dentist who obtains a license to practice dentistry in this state after the effective date of this Act, or who does not meet the qualifications of subsection (1) of this section and who desires to specialize in any of the branches of dentistry set out in section 1 of this Act may obtain a license as such specialist bv successfully passing such reasonable examination as the board deems proper.

(3) A license as a specialist may be issued without examination to a holder of a diploma from the National Certifying Board, if any, of the branch of dentistry for which a specialty license is sought provided the applicant has a license to practice dentistry in this state and is in good standing with his respective National Certifying Board.

Section 4. (1) To be entitled to take the examination provided for in subsection (2) of section 3 of this Act an applicant must:

(a) File with the secretary-treasurer of the board an application accompanied by an examination fee of forty dollars; and

(b) Present to the board satisfactory evidence that he has a period of study, after graduation from a dental school, of not less than two years in graduate or postgraduate courses, hospitals, clinics, dispensaries or preceptorships under the direction of a certified specialist, or in fundamental science laboratories recognized by the Council on Dental Education of the American Dental Association and by the board as competent to provide adequate training in the special field. This period of study may be pursued wholly in a school giving graduate or postgraduate courses and need not lead to an advanced degree. It may also be pursued wholly in hospitals, clinics, dispensaries, preceptorships, or fundamental science laboratories; or it may be pursued partially in schools or preceptorships and partially in other types of institutions. One full academic year of graduate or postgraduate study will be considered as equivalent to a calendar year. Teaching, or a Fellowship in the field of the specialty, may be considered in partial fulfillment of this requirement. The character of this period of study will be determined by the board.

(2) Examinations shall be clinical and written and of such character as to test in a satisfactory manner the qualifications of the applicant to specialize in the branch of dentistry for which license is sought. Examination papers and clinical examination results, where possible, shall be retained by the secretary-treasurer of the board for at least two years.

Section 5. (1) All applicants for a specialty license shall be required to pay a fee of five dollars to the secretary-treasurer

of the board for every specialty license issued to him, and five dollars for every duplicate license issued to him by the board.

(2) Every specialty license issued by the board shall bear a serial number, the full name of the applicant, the date of issue, and the seal of the board. It shall be signed by a majority of the members and attested by the president.

Section 6. No provision in this act shall be construed as limiting or preventing a duly licensed and qualified dentist from performing, without a specialty license, dental acts or services to the public in any of the branches of dentistry set out in section 1 of this Act. Nor shall any provision in this act be construed as preventing a dentist holding a specialty license from engaging in the practice of dentistry in the other fields of dentistry.

Section 7. The board may suspend or revoke any specialty license upon any grounds set out in KRS 313.130, and the procedure for said suspension or revocation shall be the same as provided in KRS 313.150 to 313.180 for the revocation or suspension of a regular license to practice dentistry.

Section 8. All fees imposed and collected under the provisions of Sections 1 to 9 of this Act shall be disposed of in the same manner as is provided in KRS 131.350 for fees imposed and collected under the provisions of KRS 313.260 to 313.340.

Section 9. Any dentist who violates the provisions of Section 2 of this Act shall, upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not less than thirty days nor more than sixty days, or both.

Section 10. Section 313.140 of the Kentucky Revised Statutes is amended to read as follows:

Unprofessional conduct means any of the following acts:

(1) Employing "cappers" or "steerers" to obtain business; or employing directly or indirectly and student or any suspended or unlicensed dentist to perform operations of any kind, or to treat lesions of the human teeth or jaws, or correct malpositioned formations thereof.

(2) Obtaining any fee by fraud or misrepresentation; wilfully betraying any professional secrets; habitual intemperance, gross immorality, or the commission of a criminal operation; advertising to use drugs, patents, nostrums, or proprietary medicines; or splitting fees.

(3) Making use of any advertising statements of a character tending to deceive or mislead the public; advertising professional superiority or the performance of professional service in a superior manner; advertising prices for professional service; advertising credit or terms of credit; advertising by means of electric sign, illuminated sign, sign that sets forth more than the name, profession, title (such as D.D.S. or D.M.D.) and office hours of the dentist, sign more than six inches in height, or display the lettering of which is more than six inches in height; advertising by means of a sign or display that contains or is a representation or reproduction of a tooth, bridgework or any portion of the human head; advertising free dental work or free examinations or advertising to guarantee any dental service or to perform any dental operation or act painlessly; or employing or making use of advertising solicitors or free publicity press agents.

(4) Unprofessional conduct does not include the use of professional cards that contain only a name, title (such as D.D.S. or D.M.D.), address, telephone number and office hours. It is unprofessional conduct for any dentist to announce or hold himself out to the public as being especially qualified in any branch of dentistry without having obtained a license as a specialist therein from the Board.

Said bill was ordered printed and referred.

S. B. No. 153. AN ACT concerning civil defense.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is the purpose of this Act to authorize the creation of a new city, which shall come into existence on January 1, 1954, and which shall embrace the following territory in Campbell County:

(1) The cities of Newport, Bellevue, Dayton, Fort Thomas, Southgate, Wilder and Woodlawn, and

(2) All unincorporated territory lying within a rectangular boundary consisting of the Ohio River on the north, the Licking River on the west, a true east and west line touching the southernmost point of the boundary of the southermost one of such cities on the south, and a true north and south line touching the easternmost point of the boundary of the easternmost one of such cities on the east.

Section 2. For the purposes of this Act, the unincorporated territory lying within the boundary of the proposed new city shall constitute a single separate voting unit and, together with the seven cities enumerated in Section 1, shall comprise the eight voting units which shall vote on the propositions set out in Section 3.

Section 3. At the general election in 1952 the voters of the territory to be embraced in the proposed new city shall vote on the proposition of creating such a city, and on the same ballot shall indicate their preference of a name and type of government for the new city in the event that it is created. The Clerk of Campbell County shall cause a separate ballot to be prepared for the purposes of this section and shall cause to be printed on such ballot the following three propositions:

(1) "Are you in favor of consolidating into a single new city, effective January 1, 1954, the following territory in Campbell County: (a) The cities of Newport, Bellevue, Dayton, Fort Thomas, Southgate, Wilder and Woodlawn, and (b) All unincorporated territory lying within a rectangular boundary consisting of the Ohio River on the north, the Licking River on the west, a true east and west line touching the southernmost part of the boundary of the southermost one of such cities on the south, and a true north and south line touching the easternmost point of the boundary of the easternmost one of such cities on the east?" with proper squares in which the voter may indicate "Yes" or "No."

(2) A question, in appropriate form, enabling the voter to indicate whether the new city, in the event that it is created, shall operate under the commission or the city manager form of government.

(3) A question, in appropriate form, enabling the voter to indicate his choice of a name for the new city, in the event that it is created, from the names recommended pursuant to section 4.

The clerk of Campbell County shall also cause to be placed on the ballot an appropriately placed statement that propositions (2) and (3) are to be voted on regardless of how the voter voted on proposition (1).

Section 4. Not later than one hundred and twenty days prior to the general election in 1952 the legislative body of each of the cities enumerated in section 1 shall appoint a representative, and the represenatives so appointed shall constitute a committee for the purpose of selecting proposed names for the proposed new city. Not later than sixty days prior to the general election the Clerk of Campbell County shall, by sending notice to the legislative body, of each of the cities, call a meeting of the committee at which time not less than two nor more than three proposed names shall be selected. A report thereof shall be filed with the County Court of Campbell County within fifteen days after the meeting, and shall be entered upon the records of the court.

Section 5. If a majority of the voters voting on proposition (1) in each of at least four of the eight voting units vote "Yes," and if a majority of the voters voting on proposition (1) in the entire territory to be embraced within the proposed new city vote "Yes," the new city is thereby created. The new city shall officially come into existence on January 1, 1954, and shall constitute a city of the second class. It shall be governed under the form of government approved by a majority of the voters voting on proposition (2), and shall bear the name receiving the greatest number of votes cast on proposition (3).

Section 6. The provisions of sections 7 through 13 are applicable only if the new city is created.

Section 7. At the general election in 1953 officers for the new city shall be elected from among candidates nominated in a primary election. The then existing primary and general election laws relating to second class cities operating under the commission form of government or the city manager form of

government, whichever form is chosen for the new city, shall be applicable, except that if the city manager form is chosen, the newspaper publications required by KRS 89.440 shall be made in the newspaper having the largest bona fide circulation in the territory embraced within the new city. The expenses of the primary election, and such expenses of the general election as by statute are chargeable to a city, shall be prorated among the cities enumerated in section 1, and the fiscal court of Campbell County, in the ratio that the population of such cities, and the population of the unincorporated territory embraced within the new city, bears to the entire population of the new city. No primary or general election for city officers of the cities enumerated in section 1 shall be held in 1953.

Section 8. The terms of any city officers of the cities enumerated in section 1 which normally would not expire until sometime after January 1, 1954, shall expire on the first day of January, 1954, and the terms of the officers for the new city shall commence on that day.

Section 9. (1) On January 1, 1954, the new city shall take over all the public moneys belonging to all the cities enumerated in section 1. These moneys shall be used by the new city to carry on the usual municipal functions, except, that any part of the moneys held by the several cities which has been budgeted for use in paying on any outstanding indebtedness of any of the cities shall not be used for any other purpose.

(2) The territory embraced within each of the cities enumerated in section 1 shall continue to constitute a separate taxing district for the purpose of paying any outstanding indebtedness of the original city, and the separate indebtedness of each city shall constitute a first lien on the property within such territory. The legislative body of the new city shall fix the tax rate for each of the separate taxing districts, and provide for the assessment of property and the collection of the taxes in the same manner as for regular city taxes. The money collected as taxes for each of the separate taxing districts, as distinguished from the regular city taxes collected from the entire territory embraced within the new city, shall be kept separate and apart and shall be used only in payment of the debts of the respective former cities.

Section 10. All territory embraced within the new city shall constitute a single independent school district. At the regular election in 1953, members of the board of education for the district shall be elected within the territory to be embraced within the new city, as provided by law. Two of the members shall serve for a term of only one year and the other three members shall serve for a term of only three years. Upon taking office, the members shall determine by lot which two members shall serve for terms of only one year. The terms of all school board members in the present independent school districts in the territory embraced within the new city which normally would not expire until sometime after January 1, 1954, shall expire on that date and the terms of the members elected for the new independent district shall commerce on that day. The independent school district embraced within the new city shall take over all the assets and legal liabilities of the former separate independent school districts, and shall take over all school property within the new city that formerly was operated by the county school district, and shall assume a proportionate part of the legal liabilities of the county school district. Any tax levies authorized for the payment of interest and retirement of bonds or the provision for sinking funds for such purposes shall continue to be levied and collected over the same respective areas by the new board of education in accordance with the laws under which the levies originally were made until all bonded obligations of the old district or districts have been retired.

Section 11. Any boards, commissions or similar agencies of any of the cities enumerated in section 1, shall, as of January 1, 1954, be abolished; appropriate boards, commisisons or agencies of the same or a similar character, authorized by law for cities of the second class, shall be established by the legislative body of the new city in lieu thereof, and all funds and properties of the abolished boards, commissions or agencies shall be transferred to the appropriate new board, commission or agency.

Section 12. All records, supplies, equipment and property of every character of the cities enumerated in Section 1, shall be turned over to the proper officials of the new city. Any city employes having civil service status in any of the cities enumerated in section 1 shall be entitled to continue in the service of the

new city in similar status, under an appropriate civil service ordinance to be enacted by the new city. Any pension funds for city employes maintained by any of the cities enumerated in section 1 shall be kept separate and apart by the new city, for the benefit of the employes having an interest therein.

Section 13. In order that the legislative body of the new city may initiate, on a specific date, an integrated, over-all governmental program, it is authorized to make such temporary adjustments as are necessary to reconcile the varying taxing procedures and other governmental activities of the individual political units which were incorporated into the new city. Such adjustments may include the levy and collection of taxes for periods of less than a year in certain of the former political units, and other similar action.

Said bill was ordered printed and referred.

S. B. No. 154. AN ACT authorizing the Governor of the Commonwealth of Kentucky to enter into a compact with any other state or states for mutual assistance in meeting any civil defense emergency or disaster.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Governor of this state is hereby authorized and directed to execute a compact on behalf of the Commonwealth of Kentucky with any of the United States legally joining therein in the form substantially as follows:

INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

The contracting States solemnly agree:

Article 1. The purpose of this compact is to provide mutual aid among the States in meeting any emergency or disaster from enemy attack or other cause (natural or otherwise) including sabotage and subversive acts and direct attacks by bombs, shellfire, and atomic, radiological, chemical, bacteriological means, and other weapons. The prompt, full and effective

utilization of the resources of the respective States, including such resources as may be available from the United States Government or any other source, are essential to the safety, care and welfare of the people thereof in the event of enemy action or other emergency, and any other resources, including personnel, equipment or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the Civil Defense agencies or similar bodies of the States that are parties hereto. The Directors of Civil Defense of all party States shall constitute a committee to formulate plans and take all necessary steps for the implementation of this compact.

Article 2. It shall be the duty of each party State to formulate civil defense plans and programs for application within such State. There shall be frequent consultation between the representatives of the States and with the United States Government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out such civil defense plans and programs the party states shall so far as possible provide and follow uniform standards, practices and rules and regulations including:

(a) Insignia, arm bands and any other distinctive articles to designate and distinguish the different civil defense services;

(b) Blackouts and practice blackouts, air raid drills, mobilization of civil defense forces and other tests and exercises;

(c) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;

(d) The effective screening or extinguishing of all lights and lighting devices and appliances;

(e) Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;

(f) All materials or equipment used or to be used for civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party State;

(g) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, prior, during and subsequent to drills or attacks;

(h) The safety or public meetings or gatherings; and

(i) Mobile support units.

Article 3. Any party State requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the State rendering aid may withhold resources to the extent necessary to provide reasonable protection for such State. Each party State shall extend to the civil defense forces of any other party State, while operating within its State limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving state), duties, rights, privileges and immunities as if they were performing their duties in the State in which normally employed or rendering services. Civil defense forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the civil defense authorities of the State receiving assistance.

Article 4. Whenever any person holds a license, certificate or other permit issued by any State evidencing the meeting of qualifications for professional, mechanical or other skills, such person may render aid involving such skill in any party State to meet an emergency or disaster and such State shall give due recognition to such license, certificate or other permit as if issued in the State in which aid is rendered.

Article 5. No party State or its officers or employees rendering aid in another State pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

Article 6. Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more States may differ from that appropriate among other States party hereto, this instrument contains elements of a broad base common to all States, and nothing herein contained shall preclude any State from entering into supplementary agreements with another

State or States. Such supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons, and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation, and communications personnel, equipment and supplies.

Article 7. Each party State shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that State and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such State.

Article 8. Any party State rendering aid in another State pursuant to this compact shall be reimbursed by the party State receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost incurred in connection with such requests; provided, that any aiding party State may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party State without charge or cost; and provided further that any two or more party States may enter into supplementary agreements establishing a different allocation of costs as among those States. The United States Government may relieve the party State receiving aid from any liability and reimburse the party State supplying civil defense forces for the compensation paid to and the transportation, subsistence and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the State and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment or facilities so utilized or consumed.

Article 9. Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party States and the various local civil defense areas thereof. Such plans shall include the manner of transporting such evacuees, the number of evacuees to be received in differ-

ent areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party State receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care and like items. Such expenditures shall be reimbursed by the party State of which the evacuees are residents, or by the United States Government under plans approved by it. After the termination of the emergency or disaster the party State of which the evacuees are resident shall assume the responsibility for the ultimate support or repatriation of such evacuees.

Article 10. This compact shall be available to any State, territory or possession of the United States, and the District of Columbia. The term "State" may also include any neighboring foreign country or province or state thereof.

Article 11. The committee established pursuant to Article 1 of this compact may request the Civil Defense Agency of the United States Government to act as an informational and coordinating body under this compact, and representatives of such agency of the United States Government may attend meetings of such committee.

Article 12. This compact shall become operative immediately upon its ratification by any State as between it and any other State or States so ratifying and shall be subject to approval by Congress unless prior Congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party States and with the Civil Defense Agency and other appropriate agencies of the United States Government.

Article 13. This compact shall continue in force and remain binding on each party State until the legislature or the Governor of such party State takes action to withdraw therefrom. Such

action shall not be effective until 30 days after notice thereof has been sent by the Governor of the party State desiring to withdraw to the Governors of all other party States.

Article 14. This compact shall be construed to effectuate the purposes stated in Article 1 hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected thereby.

Section 2. Whereas a threat to national defense is imminent, necessitating immediate cooperations of this state with the Federal civil defense agency and the civil defense agencies of other states; and

Whereas, the immediate participation of this state in the compact for mutual assistance in meeting any civil defense emergency or disaster is essential to the public safety and welfare of this state,

An emergency is hereby declared to exist and this Act shall take effect immediately upon its passage and approval by the Governor.

Said bill was ordered printed and referred.

S. B. No. 92. AN ACT relating to Confederate pensions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 206.020 of the Kentucky Revised Statutes is amended to read as follows:

Section 1. (1) Any Confederate veteran who has been an actual bona fide resident of this state since January 1, 1915, shall be paid fifty dollars per month upon proving that he:

(a) Did actual military service in the Confederate Army from the date of his enlistment to the close of the war, or until he was honorably discharged from the military forces of the Confederate States:

(b) Was prevented from serving until the close of the war or until he was honorably discharged by reason of wounds or disease contracted in line of duty, which rendered him unable to perform further military service; or

(c) Deserted or was discharged, but re-enlisted or returned to service in the Confederate Army, and served until the close of the war or until he was honorably discharged or prevented from serving by wounds or disease contracted in line of duty disabling him from further military service.

(2) The widow of any such Confederate veteran who would have been entitled to the pension, and which widow was living with him as his legal wife at the time of his death, has not remarried since his death, and who has been an actual bona fide resident of the state since January 1, 1915, shall be paid out of the State Treasury fifty dollars per month.

(3) Payments under this section shall be made upon proof of the facts according to forms and regulations prescribed by the Department of Finance.

Section 2. For the purpose of providing sufficient funds to defray the increased costs resulting from the amendment made in section 1, there is hereby appropriated out of the General Expenditure Fund in the State Treasury, to the Department of Finance, the sum of three thousand dollars for the fiscal year 1952-53. This appropriation shall be in addition to any other appropriations made for confederate pensions.

Said bill was ordered printed and referred.

ORDERS OF THE DAY

The House took up from the Orders of the Day, a bill of the following title, viz:

H. B. No. 223. AN ACT to further regulate motor trucks, semi-trailer trucks, and trailers, clarifying and enlarging the powers of the Commissioner of Highways and the County Judges relating thereto, and amending KRS 189.280.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 189.280 is hereby amended to read as follows:

(1) KRS 189.221 to 189.230, 189.280 and 189.490 shall not apply to motor trucks, semi-trailer trucks or trailers owned by the United States, the Commonwealth of Kentucky, or any agency of them, any county or city.

(2) If any motor truck, semi-trailer truck or trailer is licensed by a city pursuant to KRS 186.270, and the registration plate issued as evidence of the license is conspicuously exhibited on the motor truck, semi-trailer truck or trailer in the manner required by ordinance, or if by reason of KRS 281.570(2) any such motor vehicle is exempt from the imposition of a license tax, KRS 189.221, 189.222, and 189.490 shall not apply thereto, within the limits of the city issuing the license, or within fifteen miles of the limits of the city, if it is a city of the first, second, third or fourth class, or within five miles of its limits if it is a city of the fifth or sixth class, except on such state-maintained highways or portions thereof, including connecting-link streets, as may be designated by the Commissioner of Highways, and on such county highways as may be designated by the County Judge.

(3) Except as provided in KRS 176.046, cities may, by ordinance, provide maximum limits with respect to the weight, height, width, and length of motor trucks, semi-trailer trucks and trailers, within their respective boundaries, not less, however, than the maximum limits prescribed in KRS 189.221 and 189.222, and may authorize the operation of trailers.

The Committee to which said bill had been referred, offered the following amendment to said bill, viz:

Amendment No. 1. Amend printed copy of H. B. No. 223 by substituting the following for subsection 2:

(2) If any motor truck, semi-trailer truck, or trailer is lawfully licensed by a city pursuant to KRS 186.270, then KRS 189.221, 189.222, and 189.490 shall not apply thereto, within the limits of the city issuing the license, or within fifteen miles of the

limits of the city, if it is a city of the first, second, third, or fourth class, or within five miles of its limits if it is a city of the fifth or sixth class, except on such State-maintained highways or portions thereof, including connecting-link streets, as may be designated by the Commissioner of Highways, and on such county highways as may be designated by the County Judge; provided, however, that in no case shall any vehicle exceed the weight and size limitations established by the city ordinance when those limitations are less stringent than those provided in the aforementioned sections of the Statutes. For the purposes of this Sub-section vehicles exempt from the imposition of a city license tax by reason of KRS 281.830 (2) shall be entitled to the same exemptions as those so licensed.

Said motion was agreed to.

Said amendment was adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "shall the Main Question be now put?"

Ordered that said bill be engrossed and read at length for the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	William K. Henry	Joe Rouse
J. Everett Bach	Thomas D. Hewlett	Carl J. Ruh
Sidney Baer	Henry R. Heyburn	Amos Runyon
John Rhea Banton	E. R. Hilton	Cecil Sanders

Owen Billington	Chester J. Holsclaw	Clem Schroader
R. O. Blevins	William M. Horn	Gus F. Sheehan, Jr.
J. C. Bradley	Jennings Kearby	Dr. B. F. Shields
Edward O. Bridgers	Paul M. Lewis	John A. Sloan
Alex H. Calvert	Mrs. J. T. Linton	E. A. Spencer
Walter J. Chyle, Jr.	Harry K. Lowman	Mrs. Thelma Stovall
Lewis W. Combest	William Maglinger	Egbert V. Taylor
Marvin A. Cornett	Russell L. Meadows	Albert Thomason
R. Josh Cosby	Tom Mobley	William F. Threlkeld
C. E. Dowell	Robert H. Moore	J. B. Veech
Jas. A. Dressman, Jr.	Walter R. Moorman	Eulick (Mike) Walsh
Thomas R. Duncan	Fred H. Morgan	Wm. Thos. Wathen
R. L. Dunigan	Earl F. Murphy	L. M. Weathers
Harold Edwards	Thomas J. Murphy	W. W. Webster
William Engle	Ewin C. Neville	Hicks Wells
Roscoe Estep	Bart N. Peak	William B. Wells
Herbert Fern	Louis T. Peniston	W.A.(Pete)Wickliffe
Wm. P. Friedlander	Hobart Rayburn	Charles W. Wirsch
Henry J. Giles	Tipton Reed	Walker H. Wiseman
Eugene B. Hancock	J. F. Robinson	Garrett L. Withers
George F. Harris		

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Those who voted in the negative were—

Jack Early	Leslie Gay

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 226. AN ACT FURTHER EMPOWERING THE COMMISSIONER OF HIGHWAYS TO ESTABLISH CERTAIN HIGHWAYS THROUGH FOURTH, FIFTH, AND SIXTH CLASS CITIES.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Commissioner of Highways, in his discretion, may route, construct, and maintain highways through any fourth, fifth, or sixth class city, without the agreement of said city, to reach a city of the first or second class within the same county. In such case, the provisions of KRS 177.044 and 177.045 shall not apply, and all streets and parts thereof included in such highways shall become a part of the State maintained road system, and other necessary rights-of-way may be purchased or condemned by the Department of Highways.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	George F. Harris	Earl Rogers
J. Everett Bach	Farmer Helton	Joe Rouse
John Rhea Banton	William K. Henry	Carl J. Ruh
Clarence J. Barnum	Thomas D. Hewlett	Amos Runyon
Owen Billington	Chester J. Holsclaw	Cecil Sanders

R. O. Blevins	William M. Horn	Gus F. Sheehan, Jr.
J. C. Bradley	Paul S. Jonas	Dr. B. F. Shields
Edward O. Bridgers	Jennings Kearby	Mrs. Thelma Stovall
Alex H. Calvert	James W. Lambert	Egbert V. Taylor
Walter J. Chyle, Jr.	Paul M. Lewis	Albert Thomason
Lewis W. Combest	Mrs. J. T. Linton	William F. Threlkeld
Marvin A. Cornett	Harry K. Lowman	Marion Vance
R. Josh Cosby	William Maglinger	J. B. Veech
Charles M. Crowe	Russell L. Meadows	Eulick (Mike) Walsh
C. E. Dowell	Tom Mobley	Wm. Thos. Wathen
Jas. A. Dressman, Jr.	Robert H. Moore	L. M. Weathers
Thomas R. Duncan	Walter R. Moorman	W. W. Webster
R. L. Dunigan	Earl F. Murphy	Hicks Wells
Harold Edwards	Thomas J. Murphy	William B. Wells
William Engle	Ewin C. Neville	W.A.(Pete)Wickliffe
Herbert Fern	Bart N. Peak	Charles W. Wirsch
Wm. P. Friedlander	Louis T. Peniston	Walker H. Wiseman
Henry J. Giles	Hobart Rayburn	Garrett L. Withers
Eugene B. Hancock	Tipton Reed	

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Those who voted in the negative were—

Jack Early	Chas. M. Greene	J. F. Robinson
Leslie Gay	Henry R. Heyburn	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved to take H. B. No. 227 from the Orders of the Day for consideration, a bill of the following title, viz:

H. B. No. 227. AN ACT relating to the Department of Welfare, amending Section 439.100 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 439.100 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Subject to the provisions of this chapter, the department may, with the approval of the Governor, parole any person confined in the penitentiary and permit him to go and remain at large, outside the buildings and enclosures of the penitentiary.

(2) The Commissioner of Welfare shall with the approval of the Governor appoint a Parole Board consisting of seven members. One member shall be appointed as chairman of the Board and serve full time at a salary set by the Commissioner, subject to the provisions of KRS 64.650. Excepting the chairman, each member shall receive compensation at the rate of fifteen dollars for each day that member serves at a meeting of the Board. All members shall receive necessary travel and other expenses in going to, attending and returning from the meeting of the Board. The appointment of members of the Board shall be made without regard to political affiliation.

(3) No meeting of the Board shall be held with less or more than three members attending. The duties and powers of the Board are confined to a review, investigation and examination as necessary to recommending the parole of inmates in the various penitentiaries, and the Board shall recommend in writing directly to the Governor through the Commissioner of Welfare the parole of those inmates in the various penitentiaries whom they deem worthy of parole. The Board shall be attached to the Department of Welfare.

(4) The Director of the Division of Probation and Parole shall be responsible for furnishing information and reports which the Board might require in the performance of its duties.

The yeas and nays being requested by Mr. Gay and Early on the motion of Mr. Lowman to take H. B. 227 from the Orders of the Day, are as follows, viz:

Those who voted in the affirmative were—

J. Everett Bach	William K. Henry	Joe Rouse
Sidney Baer	Chester J. Holsclaw	Carl J. Ruh
John Rhea Banton	William M. Horn	Amos Runyon
Clarence J. Barnum	Paul S. Jonas	Cecil Sanders
Owen Billington	Jennings Kearby	Gus F. Sheehan, Jr.
J. C. Bradley	Paul M. Lewis	Dr. B. F. Shields
Edward O. Bridgers	Mrs. J. T. Linton	Mrs. Thelma Stovall
Alex H. Calvert	Harry K. Lowman	William F. Threlkeld
Lewis W. Combest	William Maglinger	Marion Vance
R. Josh Cosby	Russell L. Meadows	J. B. Veech
C. E. Dowell	Tom Mobley	Eulick (Mike) Walsh
Jas. A. Dressman, Jr.	Robert H. Moore	Wm. Thos. Wathen
Thomas R. Duncan	Walter R. Moorman	L. M. Weathers
Harold Edwards	Earl F. Murphy	W. W. Webster
William Engle	Thomas J. Murphy	Hicks Wells
Herbert Fern	Ewin C. Neville	William B. Wells
Wm. P. Friedlander	Louis T. Peniston	W.A.(Pete)Wickliffe
Henry J. Giles	Tipton Reed	Walker H. Wiseman
Eugene B. Hancock	J. F. Robinson	Garrett L. Withers

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Those who voted in the negative were—

Bill Adams	Leslie Gay	James W. Lambert
R. O. Blevins	Chas. M. Greene	Bart N. Peak
Marvin A. Cornett	Farmer Helton	Earl Rogers
R. L. Dunigan	Thomas D. Hewlett	John A. Sloan
Jack Early	Henry R. Heyburn	

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Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "shall the Main Question be now put?"

Ordered that said bill be read at length for the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and

same having been engrossed, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Farmer Helton	Carl J. Ruh
J. Everett Bach	William K. Henry	Amos Runyon
Sidney Baer	Thomas D. Hewlett	Cecil Sanders
John Rhea Banton	Henry R. Heyburn	Clem Schroader
Clarence J. Barnum	Chester J. Holsclaw	Gus F. Sheehan, Jr.
Owen Billington	William M. Horn	Dr. B. F. Shields
J. C. Bradley	Paul S. Jonas	John A. Sloan
Ed. T. Breathitt	Jennings Kearby	E. A. Spencer
Edward O. Bridgers	Paul M. Lewis	Mrs. Thelma Stovall
Alex H. Calvert	Mrs. J. T. Linton	Egbert V. Taylor
Walter J. Chyle, Jr.	Harry K. Lowman	Albert Thomason
Lewis W. Combest	William Maglinger	William F. Threlkeld
Marvin A. Cornett	Russell L. Meadows	Marion Vance
R. Josh Cosby	Tom Mobley	J. B. Veech
C. E. Dowell	Robert H. Moore	Eulick (Mike) Walsh
Jas. A. Dressman, Jr.	Walter R. Moorman	Wm. Thos. Wathen
Thomas R. Duncan	Earl F. Murphy	L. M. Weathers
Jack Early	Thomas J. Murphy	W. W. Webster
Harold Edwards	Ewin C. Neville	Hicks Wells
William Engle	Bart N. Peak	William B. Wells
Herbert Fern	Louis T. Peniston	W.A.(Pete)Wickliffe
Wm. P. Friedlander	Hobart Rayburn	Walker H. Wiseman
Henry J. Giles	Tipton Reed	Garrett L. Withers
Eugene B. Hancock		—70

Those who voted in the negative were—

Bill Adams	Leslie Gay	Earl Rogers
R. O. Blevins	James W. Lambert	J. F. Robinson
R. L. Dunigan		—7

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 230. AN ACT RELATING TO THE USE OF CERTAIN FUNDS FOR THE ACQUISITION OF SPACE FOR THE DIVISION OF UNEMPLOYMENT INSURANCE AND THE DEPARTMENT OF ECONOMIC SECURITY: AMENDING KRS 341.245.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That KRS 341.245 be and the same hereby is amended by repealing said section in its entirety and enacting in lieu thereof the following:

"341.245 AUTHORITY TO ACQUIRE OFFICE SPACE. Subject to the provisions of KRS 56.440-56.550, inclusive, the Commissioner is authorized and empowered to use all or any part of the funds accumulated under the provisions of KRS 341.290 and KRS 341.295 for the purpose of acquiring suitable space for either central or district offices of the division and the department by way of purchase, lease, contract, or in any other manner including the right to use said funds or any part thereof to assist in financing the construction of any building erected by the Commonwealth of any of its agencies wherein available space will be provided for the division and the department under lease or contract between the department and the Commonwealth or such other agency whereby said department and division will continue to occupy such space, rent free, after the cost of financing such buildings has been liquidated.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Henry J. Giles	Joe Rouse
J. Everett Bach	Chas. M. Greene	Carl J. Ruh
Sidney Baer	Eugene B. Hancock	Amos Runyon
John Rhea Banton	William K. Henry	Cecil Sanders
Clarence J. Barnum	Thomas D. Hewlett	Clem Schroader
Owen Billington	Chester J. Holsclaw	Gus F. Sheehan, Jr.
R. O. Blevins	Paul S. Jonas	Dr. B. F. Shields
J. C. Bradley	Jennings Kearby	John A. Sloan
Ed. T. Breathitt	Paul M. Lewis	E. A. Spencer
Alex H. Calvert	Mrs. J. T. Linton	Mrs. Thelma Stovall
Walter J. Chyle, Jr.	Harry K. Lowman	Egbert V. Taylor
Lewis W. Combest	Russell L. Meadows	William F. Threlkeld
Marvin A. Cornett	Tom Mobley	J. B. Veech
R. Josh Cosby	Robert H. Moore	Eulick (Mike) Walsh
C. E. Dowell	Walter R. Moorman	L. M. Weathers
J. A. Dressman, Jr.	Earl F. Murphy	W. W. Webster
Thomas R. Duncan	Thomas J. Murphy	Hicks Wells
Jack Early	Ewin C. Neville	William B. Wells
Harold Edwards	Bart N. Peak	W.A.(Pete)Wickliffe
William Engle	Louis T. Peniston	Charles W. Wirsch
Herbert Fern	Hobart Rayburn	Walker H. Wiseman
Wm. P. Friedlander	Tipton Reed	Garrett L. Withers

—66

Those who voted in the negative were—

Leslie Gay

—1

Resolved that the title therof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 271. AN ACT relating to the taxation of special fuels.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in sections 1 to 19 inclusive, unless the context requires otherwise.

(1) "Department" means the Department of Revenue.

(2) "Person" includes every natural person, fiduciary, association, state or political subdivision, or corporation. Whenever used in any clause prescribing and imposing imprisonment the term "person" as applied to an association means and includes the partners or members thereof, and as applied to corporations, the officer thereof.

(3) "Special fuel" means and includes all combustible gases and liquids used for the generation of power in an internal combustion engine to propel vehicles of any kind upon the public highways, except that it does not include gasoline as defined in KRS 138.210.

(4) "Motor vehicle" means any vehicle, machine or mechanical contrivance propelled by an internal combustion engine and licensed for operation and operated upon the public highways.

(5) "Public highway" means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel, notwithstanding that they may be tem-

porarily closed or travel thereon restricted for the purpose of construction, maintenance, repair or reconstruction.

(6) "Use" means the delivery or placing of special fuel into the fuel supply tank or tanks of a motor vehicle within this state. With respect to an interstate user as hereinafter defined the term "use" means the consumption of special fuel in propelling motor vehicles on the public highways of this state as computed under section 8 of this Act.

(7) "Special fuel dealer" means any person who receives special fuel as defined in this section into storage tanks from which withdrawals are made and placed into fuel supply tanks of a motor vehicle for use on the public highways of this state.

(8) "Dealer" means special fuel dealer as defined above.

(9) "Special fuel user" means any person, other than a special fuel dealer or interstate special fuel user who uses special fuels within the meaning of the word "use" as defined in this section.

(10) "User" means special fuel use as defined above.

(11) "Interstate special fuel user" means common and contract carriers of persons or property by motor vehicles operated upon the public highways of both this state and other states and any other motor vehicular carriers of property operated upon the public highways of other states and upon the highways of this state more frequent than five days out of any month during the calendar year or more frequent than fifteen days during any six month interval during the calendar year.

(12) "Interstate user" means interstate special fuel user as defined above.

Section 2. (1) An excise tax of seven cents per gallon shall be paid on the use (as defined in section 1) of special fuel, except that no tax shall apply to special fuel delivered into the fuel tank of a vehicle operated by the government of the United States.

(2) The tax shall be computed and paid as provided by sections 7 and 8.

(3) Two-sevenths of all amounts received by reason of said tax shall be set aside by the Department of Highways for the construction, reconstruction and maintenance of rural and secondary roads and for no other purpose.

Section 3. (1) A license shall be required of each special fuel dealer, interstate special fuel user, and special fuel user.

(2) Application for a license shall be made to the Department of Revenue upon forms prepared and furnished by the department. The application shall contain such information as the department deems necessary.

(3) Concurrently with the filing of an application for a license, the special fuel dealer, special fuel user, or interstate special fuel user shall file with the department a bond as required under section 4. No license to act as a special fuel dealer, interstate special fuel user or a special fuel user shall be issued to any person or continued in force unless such person has furnished a bond as provided in section 4 to secure payment of any and all special fuel taxes, penalties, and interest due.

(4) The application in proper form having been accepted for filing, the bond having been accepted and approved and the other conditions and requirements of this section having been complied with, the department shall issue to the special fuel dealer, interstate special fuel user, or special fuel user a license. However, if an application for a license as a special fuel dealer, interstate special fuel user, or a special fuel user is filed by any person whose license has at any time previously been revoked for cause by the department, or if the department is of the opinion that the person who makes the application is a subterfuge for the real party in interest whose license, prior to the time of filing the application, has been revoked for cause, or that the application is not for any other reason filed in good faith or is not for sufficient cause, the department may, after a hearing of which the applicant shall be given ten days notice in writing and in which he shall have the right to appear in person or by counsel and present testimony, refuse to issue a license to that person.

(5) All licenses to act as a special fuel dealer, interstate

special fuel user, or a special fuel user shall be valid and remain in full force and effect until suspended or revoked for cause or otherwise cancelled.

(6) A license to act as a special fuel dealer, interstate special fuel user, or a special fuel user shall not be assignable or transferable and shall be valid only for the person in whose name it is issued.

(7) The department shall keep and file all applications and bonds, with an alphabetical index thereof, together with a record of all licensed dealers, users, and interstate special fuel users.

Section 4. (1) Every special fuel dealer, interstate special fuel user, and every special fuel user shall file with the Department of Revenue a bond in a minimum amount of five hundred dollars and in a maximum amount of not more than ten thousand dollars, on a form, and in such an amount and with surety approved by the department. The dealer or user shall be the principal obligor and this state shall be the obligee. The bond shall be conditioned upon the prompt filing of true reports and the payment by the dealer or user to the department of all special fuel excise taxes now or hereafter levied by this state, together with all penalties and interest thereon, and generally upon faithful compliance with the provisions of sections 1 to 19.

(2) If the liability upon the bond is discharged or reduced, whether by judgment rendered, payment made, or otherwise, or if in the opinion of the department any surety on the bond has become unsatisfactory or unacceptable, the department may require the dealer or the user to file a new bond with satisfactory sureties in the same form and amount, failing which the department shall forthwith cancel the license of the dealer or user. If a new bond is furnished by the dealer or user as above provided, the department shall cancel the bond for which the new bond is substituted.

(3) If upon hearing, of which the dealer or user shall be given ten days notice in writing, the department decides that the amount of the existing bond is insufficient to insure payment to this state of the amount of the tax, penalties and interest for which the dealer or user is or may become liable, the dealer or

user shall forthwith, upon the written demand of the department, file an additional bond in the same manner and form with surety thereon approved by the department, in any amount determined by the department to be necessary, failing which the department shall forthwith cancel the license of the dealer or user.

(4) Any surety on a bond furnished by a dealer or user shall be released from all liability to this state accruing on such bond after the expiration of sixty days from the date upon which the surety has lodged with the department a written request to be released, but this request shall not operate to release the surety from any liability already accrued or which shall accrue before the expiration of the sixty day period. The department shall promptly, on receipt of the request, notify the dealer or user who furnished the bond, and unless the dealer or user shall, before the expiration of the sixty-day period, file with the department a new bond with surety satisfactory to the department in the amount and form herein before provided, the department shall forthwith cancel the license of the dealer or user. If the new bond is furnished by the dealer or user as above provided, the department shall cancel the bond for which the new bond is substituted.

Section 5. (1) If a special fuel dealer, interstate special fuel user or special fuel user at any time files a false monthly report of the information required, or fails or refuses to file the monthly report or to pay the full amount of the tax violates any other provision of sections 1 to 19 inclusive, or otherwise gives reasonable grounds, the Department of Revenue may cancel the license of the dealer, interstate special fuel user, or user, and suspend his privilege of acting as a special fuel dealer or a special fuel user.

(2) Upon voluntary surrender of the license certificate or upon receipt of a written request by a special fuel dealer, interstate special fuel user, or special fuel user, the department may cancel his license, effective sixty days from the date of request, but no such license shall be cancelled upon surrender or request unless the dealer or user has, prior to the date of cancellation, paid to this state all special fuel taxes, penalties, interest and fines that are due or have accrued, and unless the dealer or user has surrendered to the department his license certificate.

(3) If upon investigation the department ascertains that any person to whom a license has been issued is no longer engaged as a special fuel dealer or special fuel user and has not been so engaged for a period of six months, the department may cancel such license by giving the person sixty days notice of cancellation, mailed to his last known address, in which event the license certificate shall be surrendered to the department.

(4) Whenever a special fuel dealer, interestate special fuel user, or special fuel user ceases to to engage in business as a dealer or user of special fuels within this state he shall notify the department in writing within fifteen days after discontinuance. All taxes that have accrued under sections 1 to 19 inclusive, whether or not then due, shall become due and payable concurrently with such discontinuance. The dealer or user shall make a report and pay all such taxes and any interest and penalties thereon, and shall surrender to the department his license certificate.

(5) If the license of a special fuel dealer, interstate special fuel user, or special fuel user is cancelled by the department as provided in this section, and if the dealer or user has paid to this state all taxes, interest and penalties due under sections 1 to 19 inclusive, the department shall cancel the bond filed by the dealer or user.

Section 6. Every special fuel dealer, interstate special fuel user and every licensed special fuel user shall maintain complete records of all inventories, purchases, sales, uses and other dispositions of special fuel. Such records, together with manifests of lading, invoices, correspondence and other papers pertaining to special fuel shall be retained for a minimum period of two years and, if requested by the department, shall be made available for examination by the Department of Revenue.

Section 7. (1) Every special fuel dealer or special fuel user shall file with the Department of Revenue, on forms prescribed by the department, a monthly tax return. The return shall be made under penalty of perjury and shall show, with reference to all locations at which special fuel is used, the following information on special fuel: (1) opening inventory; (2) itemized statement of all receipts; (3) number of gallons de-

livered into the supply tank or tanks of a motor vehicle; (4) number of gallons disposed of otherwise; (5) closing book inventory; (6) actual measured inventory; and (7) such other information as the Department of Revenue may require. The special fuel dealer or special fuel user shall file the return on or before the last day of the next succeeding calendar month following the monthly period to which it relates.

(2) It shall be prima facie proof that all fuel received by a special fuel dealer or a special fuel user into storage tanks and dispensing equipment from which motor fuel is to be delivered to the fuel supply tank of a motor vehicle operated on the public highways of this state is taxable as set out in this Act.

(3) The monthly tax return shall be accompanied by remittance covering the tax due.

(4) Interstate special fuel users shall, on or before the last day of each month, report under penalty of perjury and pay the special fuel tax for the next preceding calendar month. The return shall be made on forms prescribed by the Department of Revenue and shall show the information entering into the computation of the tax, including the number of miles motor vehicles were operated in this state and the total number of miles these vehicles were operated, the number of gallons of special fuel used in these vehicles and the number of gallons used in this state, the number of gallons of special fuel purchased in this state and the total number of gallons of special fuel purchased and used in these vehicles, the vendor from whom purchased, the number of gallons on which a credit or refund is claimed and such other information as the department may require.

Section 8. (1) The special fuel excise tax imposed by section 2 of this Act, except as otherwise provided under subsection 2 of this section, shall be computed by multiplying the number of gallons of special fuel used by the tax rate.

(2) Interstate special fuel users shall pay the special fuel excise tax on that proportion of total special fuel used in motor vehicles operated on the public highways of this state as the number of miles operated by these vehicles in this state bears to the total number of miles operated.

Section 9. (1) If special fuel on which the tax has been paid, pursuant to the provisions of subsection (1) of section 8 has been used by interstate users in motor vehicles operated on the public highways of both this state and other states, the interstate user of such special fuel shall be credited to the extent of the tax due under this section for the full amount of taxes paid on special fuel purchased during the preceding month. The department may defer any credits in excess of taxes paid or due for a period not to exceed three months.

(2) The Department of Revenue shall, at the close of each quarterly period ending September 30, December 31, March 31 and June 30, refund all deferred credits granted by the department during the quarter which have not been credited against tax paid purchases of fuel in this state.

(3) No tax shall be credited or refunded except that paid upon special fuel used exclusively in motor vehicles operated on the public highways of both this state and other states and unless the applicant holds a currently valid credit and refund permit and makes application as provided under section 11.

(4) The right to receive any credit or refund under this section shall not be assignable, except to the executor or administrator, or to the receiver, trustee in bankruptcy, or assignee in insolvency proceeding of such person entitled thereto.

Section 10. (1) Interstate special fuel users who purchase special fuel in this state shall secure from the Department of Revenue a credit and refund permit, which permit shall entitle such person to apply for a credit or refund under the provisions of this Act.

(2) Each interstate special fund user credit and refund permit shall be valid until surrendered or cancelled. The department may cancel, by giving thirty days notice any credit and refund permit, when the holder thereof does not apply for a credit or refund during any six months interval, unless the permit holder can show cause satisfactory to the department why the permit should not be cancelled and after notice of 10 days may cancel for any sufficient cause within the opinion of the department.

(3) To secure a credit and refund permit the applicant shall file with the department an application under oath on forms furnished by the department, setting forth such information incident to crediting and refunding the tax on special fuel as the department may require.

Section 11. (1) In order for a holder of a special fuel credit and refund permit to be entitled to a credit or refund of the special fuel tax as provided under this Act, he shall on or before the last day of each month make application to the Department of Revenue on forms and in the manner prescribed by the department for a credit or refund of the tax paid, pursuant to subsection (1) of section 8 on special fuel purchased in this state and used during the next preceding month. The Department of Revenue may require an applicant for a credit or refund to supply with each application copies of special fuel dealer receipts of all tax-paid purchases of special fuel for which credit or a refund is claimed. Each application shall also show the total number of miles the motor vehicles in which the special fuel was used were operated and the number of miles these vehicles were operated in this state; the number of gallons of special fuel purchased in this state and in other states for use in such vehicles during the preceding month; the date and quantity of each purchase; the vendor from whom purchased; the number of gallons on which a credit or refund is claimed; and such other information as the department may require. The application shall be made under oath.

(2) Upon the refusal of the department to authorize a special fuel tax credit or refund, the applicant may in the manner and subject to the conditions provided in subsection (1) of KRS 131.110 petition for a review thereof by the Kentucky Tax Commission; and if the applicant is not satisfied with the decision of the Commission, he may appeal to the Franklin Circuit Court in the manner and subject to the conditions provided in KRS 131.120.

Section 12. (1) The Department of Revenue may, at any time, audit the books and records of each holder of a special fuel tax credit and refund permit who has at any time since the last audit was made applied for a credit or refund thereunder and

make such other investigations as it deems necessary to determine whether the credits or refunds applied for constitute proper claims. When the department is satised that a credit or refund is proper it shall credit the applicant for an amount corresponding to the taxes paid pursuant to subsection (1) of section 8 or make the refund.

However, the department shall not be required to audit the books and records of a nonresident credit and refund permit holder if the amount of credits or refunds for which application has been made are not sufficient in amount reasonably to justify probable expenses of making the audit.

(2) If special fuel taxes are erroneously credited or refunded, the department shall advise the payee by registered mail of the erroneous credit or refund. If the payee fails to reimburse the Commonwealth within fifteen days after the receipt of the letter, an action may be instituted by the department in the Franklin Circuit Court and the department shall recover from the payee the amount of the erroneous credit or refund plus a penalty of twenty per cent.

Section 13. (1) The reports required by section 7 shall be accompanied by a certified or cashier's check, payable to the State Treasurer, for the amount of tax due for the preceding calendar month, computed as provided in section 8; except that the department may waive this requirement and accept the check of the special fuel dealer, special fuel user or interstate special fuel user if the dealer, user or interstate user is of sound financial condition and has established a good record of compliance with the requirements of sections 1 to 19 inclusive.

Section 14. (1) If any special fuel dealer, special fuel user or interstate special fuel user neglects or refuses to make the return or pay the tax at the time provided in section 9, a penalty of twenty per cent of the tax and interest at six per cent per annum from the rate when due shall be paid on both the tax and the penalty.

(2) If any dealer, user or interstate user subject to the penalty provided in subsection (1) of this section submits in writing to the department his reasons for failure to comply with

this Act, and if the department finds the reasons sufficient evidence of justifiable cause for modifying the penalty provided in subsection (1) of this section, it may modify the penalty exacted therein to five per cent of the amount of the tax due and delinquent provided the five per cent penalty may be reduced to a one per cent penalty if the violation is the first violation by the taxpayer within the twelve months.

(3) If the penalties provided by this section are collected by proceedings in court an additional penalty of twenty per cent shall be collected and distributed as is authorized by KRS 134.400 and 135.060.

(4) Whenever any dealer, user or intertsate user neglects or refuses to make and file any report for any calendar month as required by section 7, or files an incorrect or fradulent report, the Department of Revenue shall determine, after an investigation, the number of gallons of fuel with respect to which the dealer, user or interstate user has incurred liability under sections 2 and 8 for any particular month, and assess and collect the amount of tax and penalties due.

(5) Any person who fails to make any report or return required under sections 1 to 19 inclusive within the time required may be required to pay a penalty of ten dollars to be assessed and collected in the manner provided for the assessment and collection of taxes, or in a civil action, at the instance of the department. In addition such delinquent may be compelled to make the required report or return.

(6) In any action for the collection of the special fuel tax and any penalties or interest imposed in connection therewith, an assessment by the department of the amount of the tax due and the interest or penalties due to the state shall constitute prima facie evidence of the claim of the state, and the burden of proof shall be on the dealer, user or interstate user to show the assessment was incorrect and contrary to law.

Section 15. (1) It is unlawful for any person to:

(a) Fail to pay the excise on special fuel;

(b) Fail, neglect, or refuse to make and file any statement required under sections 1 to 19 inclusive in the manner or within the time required;

(c) Make any false statement or conceal any material fact in any record, report ,or affidavit provided for under sections 1 to 19 inclusive;

(d) Conduct any activities requiring a license or permit under sections 1 to 19 inclusive without a license or permit or after a license or permit has been surrendered, cancelled or revoked;

(e) Assign or attempt to assign a license or permit to act as a special fuel dealer, a special fuel user or an interstate fuel user;

(f) Violate any other provision of sections 1 to 19 inclusive.

(2) Any person violating any provision of this section is guilty of a misdemeanor, unless the act is by any other law of this state declared to be a felony, and upon conviction is punishable by a fine of not less than $100 nor more than $5,000, or by imprisonment in the county jail for not less than 30 days nor more than six months, or by both such fine and imprisonment.

(3) The fine and imprisonment provided for in this section shall be in adidtion to any other penalty imposed by any other provision of sections 1 to 19 inclusive.

Section 16. (1) The Department of Revenue shall administer the special fuel tax provided under sections 1 to 19 inclusive, and may prescribe, adopt, and enforce regulations relating to the administration and enforcement thereof.

(2) The Department of Revenue shall, upon the request from the officials to whom are entrusted the enforcement of the special fuel tax law of any other state, the United States, the provinces or the Dominion of Canada, forward to such officials any information which it may have relative to the manufacture, receipt, sale, use, transportation, shipment or delivery by any person of special fuel, provided such other state or states provides for the furnishing of like information to this state.

Section 17. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Section 18. This act shall be fully operative and shall apply to fuel used on and after July 1, 1952.

Section 19. Sections 138.359 to 138.440 inclusive of the Kentucky Revised Statutes are repealed.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Chas. M. Greene	Joe Rouse
Dr. John Adkins, Jr.	Eugene B. Hancock	Carl J. Ruh
J. Everett Bach	William K. Henry	Amos Runyon
Sidney Baer	Thomas D. Hewlett	Cecil Sanders
John Rhea Banton	Henry R. Heyburn	Clem Schroader
Clarence J. Barnum	Chester J. Holsclaw	Gus F. Sheehan, Jr.
R. O. Blevins	William M. Horn	Dr. B. F. Shields

J. C. Bradley	Jennings Kearby	John A. Sloan
Ed. T. Breathitt	James W. Lambert	E. A. Spencer
Edward O. Bridgers	Paul M. Lewis	Mrs. Thelma Stovall
Alex H. Calvert	Mrs. J. T. Linton	Albert Thomason
Walter J. Chyle, Jr.	Harry K. Lowman	William F. Threlkeld
Lewis W. Combest	William Maglinger	Marion Vance
Marvin A. Cornett	Tom Mobley	J. B. Veech
R. Josh Cosby	Robert H. Moore	Eulick (Mike) Walsh
C. E. Dowell	Walter R. Moorman	Wm. Thos. Wathen
Jas. A. Dressman, Jr.	Earl F. Murphy	L. M. Weathers
Thomas R. Duncan	Thomas J. Murphy	W. W. Webster
Jack Early	Ewin C. Neville	Hicks Wells
Harold Edwards	Bart N. Peak	William B. Wells
Herbert Fern	Louis T. Peniston	W.A.(Pete)Wickliffe
Wm. P. Friedlander	Hobart Rayburn	Walker H. Wiseman
Henry J. Giles	Tipton Reed	Garrett L. Withers

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Those who voted in the negative were—

Egbert V. Taylor —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 122. AN ACT relating to time payment of Teachers' Retirement annuities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 161.640 of the Kentucky Revised Statutes is amended to read as follows:

Retirement annuities shall be payable monthly. The first payment to annuitant shall be made at the payment date at the end of one full payment period after his retirement and shall consist of one regular monthly payment.

Section 2. This Act shall become effective July 1, 1952.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Eugene B. Hancock	Joe Rouse
Dr. John Adkins, Jr.	William K. Henry	Carl J. Ruh
J. Everett Bach	Thomas D. Hewlett	Amos Runyon
Sidney Baer	Henry R. Heyburn	Cecil Sanders
Clarence J. Barnum	Chester J. Holsclaw	Clem Schroader
Owen Billington	William M. Horn	Gus F. Sheehan, Jr.
R. O. Blevins	Paul S. Jonas	E. A. Spencer
J. C. Bradley	Jennings Kearby	Mrs. Thelma Stovall
Ed. T. Breathitt	James W. Lambert	Egbert V. Taylor
Edward O. Bridgers	Paul M. Lewis	Albert Thomason
Walter J. Chyle, Jr.	Harry K. Lowman	William F. Threlkeld
Lewis W. Combest	William Maglinger	Marion Vance

Marvin A. Cornett	Russell L. Meadows	J. B. Veech
R. Josh Cosby	Tom Mobley	Eulick (Mike) Walsh
C. E. Dowell	Robert H. Moore	Wm. Thos. Wathen
Jas. A. Dressman, Jr.	Walter R. Moorman	L. M Weathers
R. L. Dunigan	Thomas J. Murphy	W. W. Webster
Jack Early	Ewin C. Neville	Hicks Wells
Harold Edwards	Bart N. Peak	William B. Wells
Herbert Fern	Louis T. Peniston	W.A.(Pete)Wickliffe
Wm. P. Friedlander	Hobart Rayburn	Charles W. Wirsch
Leslie Gay	Tipton Reed	Walker H. Wiseman
Chas. M. Greene	J. F. Robinson	Garrett L. Withers

—69

Those who voted in the negative were—

John Rhea Banton —1

Resolved that the title thereof be as aforesaid.

Mr. Schroader moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 177. AN ACT relating to members of police and fire departments in fourth class cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 95.710 of the Kentucky Revised Statutes is amended to read as follows:

(1) To be eligible for appointment as a member of the police force or fire department of a city of the fourth class a person must be a citizen of the state, a resident of the county for at least six months, at least twenty-one years of age, able to read and write the English language intelligibly, and sober,

moral and sagacious. No person who has been convicted of a felony shall be eligible for appointment. After appointment no member shall interfere in any election. If it is possible to secure such a person, the appointee shall have been a resident of the city for at least six months in addition to the other required qualifications; but should the city legislative body determine a person meeting this added qualification cannot be secured, a residence of six months in the county shall be sufficient.

Mr. Henry moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Alex H. Calvert	Wm. P. Friedlander
Dr. John Adkins, Jr.	Walter J. Chyle, Jr.	Leslie Gay
J. Everett Bach	Lewis W. Combest	Henry J. Giles
John Rhea Banton	Marvin A. Cornett	Chas. M. Greene
Clarence J. Barnum	R. Josh Cosby	Eugene B. Hancock
Owen Billington	C. E. Dowell	George F. Harris
R. O. Blevins	Jas. A. Dressman, Jr.	William K. Henry
J. C. Bradley	R. L. Dunigan	Thomas D. Hewlett
Ed. T. Breathitt	Jack Early	Henry R. Heyburn
Edward O. Bridgers	Herbert Fern	Chester J. Holsclaw

William M. Horn	Ewin C. Neville	Egbert V. Taylor
Paul S. Jonas	Bart N. Peak	Albert Thomason
William L. Jones	Louis T. Peniston	J. B. Veech
Jennings Kearby	Hobart Rayburn	Eulick (Mike) Walsh
Paul M. Lewis	Tipton Reed	Wm. Thos. Wathen
Mrs. J. T. Linton	Joe Rouse	L. M. Weathers
Harry K. Lowman	Carl J. Ruh	W. W. Webster
William Maglinger	Cecil Sanders	Hicks Wells
Shelby McCallum	Clem Schroader	William B. Wells
Tom Mobley	Gus F. Sheehan, Jr.	W.A.(Pete)Wickliffe
Walter R. Moorman	Dr. B. F. Shields	Charles W. Wirsch
Fred H. Morgan	E. A. Spencer	Walker H. Wiseman
Thomas J. Murphy	Mrs. Thelma Stovall	Garrett L. Withers

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up from the Orders of the Day a bill of the following title, viz:

H. B. No. 203. AN ACT relating to elections, with particular relation to elections, both regular and primary, in cities under the city manager form of government.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 89.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall be elected to the office of mayor, police judge or commissioner, in cities of the third or fourth class, without first having been nominated in the manner prescribed by this section. On the seventh Saturday before the day for the regular election there shall be held a primary elec-

tion. The primary election shall be conducted by the same officers chosen and acting in the same manner, with the same rights and duties, as in the regular election.

(2) Each applicant for nomination shall, at least forty-five days before the day of the primary election, file with the county clerk a petition signed by at least fifty voters, in the following form:

"We the undersigned, qualified voters of the city of _____ and residing each at the place indicated opposite his name, do hereby request that the name of _____ be placed on the ballot as that of an applicant for nomination for the office of _____, at the primary election to be held in our city on the seventh Saturday before the next regular election. We know the applicant to be a qualified voter of the city and a person of good character, and he is, in our judgment, qualified for the duties of said office.

NAME	NUMBER	STREET
_____	_____	_____
_____	_____	_____
_____	_____	_____

The petition shall be verified by the affidavit of some person as to the genuiness of the signatures and addressed of the signers. No voter shall sign more than one petition with reference to each office that is to be filled. If any voter signs more than one petition of applicants for nomination for mayor or police judge, or signs the petitions of more applicants for nomination for commissioners than the number of commissioners to be elected, the name of that petitioner shall not be counted as a valid name on any petition.

(3) Immediately upon the expiration of the time for filing petitions the county clerk shall have published for three consecutive days in the official newspaper of the city, and in such other papers as he may designate, the names of the persons as they will appear upon the primary ballots, and shall thereupon cause the primary ballots to be printed, authenticated with a fac simle of his signature.

(4) Subsection (3) of this section shall not apply if it appears, immediately upon the expiration of the time for filing petitions, that there are not more than two applicants for nomination as mayor or police judge, or not more applicants for nomination for commissioner than twice the number of commissioners to be elected. In that case the applicants for mayor or police judge and the applicants for commissioner shall thereby be nominated and their names shall not be placed upon the primary ballots, and no primary election shall be held for nomination for those offices.

(5) The names of the applicants for each nomination shall be printed on the ballots as provided in KRS 89.460, with a square at the right of each name. Above the names of the applicants for nomination for mayor or police judge shall be printed the words, "Vote fore one," and above the names of the applicants for nominations for commissioners shall be printed the words, "Vote for four," in a city of the fourth class, or "Vote for two" in a city of the third class. The ballots shall contain no party designation or emblem of any kind, nor any sign indicating any applicant's political belief or party affiliation.

(6) After the ballots are printed, the county clerk shall cause to be delivered at each polling place a number of ballots equal to twice the number of votes cast in the polling precinct at the last preceding regular election for mayor. The persons who are qualified to vote the regular municipal election shall be qualified to vote at the primary election, and the law applicable to challenges made at a regular municipal election shall be applicable to challenges made at the primary election.

(7) The ballots shall be counted as provided in the general election laws, and after being so counted the result shall be published at least once in the official newspaper of the city.

(8) The two applicants receiving the highest number of votes for nomination for mayor and the two applicants receiving the highest number of votes for nomination for police judge, shall be thereby nominated. The eight applicants, in a city of the fourth class, or the four applicants, in a city of the third class, receiving the highest number of votes for nomination for commissioners shall be thereby nominated.

(9) The expense of the primary elections shall be paid by the city.

Section 2. Section 89. 450 of the Kentucky Revised Statutes is amended to read as follows:

At the regular election following the primary election, in cities of the third or fourth class, the names of the nominees shall be placed upon ballots like those used at the primary election, except that the regular election ballots shall contain only the names of the successful nominees. The nominee receiving the greater number of votes cast for mayor, the nominee receiving the greater number of votes cast for police judge, and the four nominees, in a city of the fourth class, or the two nominees, in a city of the third class, receiving the greater number of votes for commissioners shall be elected, respectively, mayor, police judge and commissioners.

Section 3. Subsection (1) of Section 89.460 of the Kentucky Revised Statutes is amended to read as follows:

(1) At all elections held under the city manager form of government, in cities of the third or fourth class, the ballots shall be on a different sheet from all other ballots to be used in the election and shall be in the form therein prescribed, except the words "City Ballot" shall be at the head thereof and the names of all candidates for each office shall be printed on the ballot in a single column. The names of the candidates for each office shall be printed on the first fifty ballots in alphabetical order, and on each of the succeeding fifty ballots the names shall be printed in the same order except that the first name on the preceding fifty ballots shall be shifted to the last place on the next succeeding fifty ballots, and the last name so shifted from the first place on the preceding fifty ballots shall be succeeded by the second name. A like change or rotation shall be made throughout in the printed order of names for every fifty ballots.

Section 4. A new section of the statutes is created, to be numbered KRS 89.465 and to read as follows:

In cities of the second class, the mayor, commissioners and police judge shall be nominated and elected in the manner

provided by the general election laws and general primary laws for the nomination and election of sttae and county officers.

Section 5. Subsection 119.020 of the Kentucky Revised Statutes is amended to read as follows:

(4) This chapter does not apply to candidates for subdistrict school trustees, members of boards of education, members of the legislative bodies of cities of the fifth or sixth class, or presidential electors, nor to candidates for mayor, police judge or commissioner in cities of the second or fourth class operating under the commission form of government and in cities of the third or fourth class operating under the city manager form of government.

Section 6. This Act shall become effective on January 1, 1953.

Mr. Green of the Committee to which said bill had been referred, offered the following amendment to said bill, viz:

Amendment No. 1. Amend printed copy of H. B. 203 on page 6, section 4, line 3, to read "In cities of the second and third class, the mayor, commissioners."

Said motion was agreed to.

Said amendment was adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "shall the Main Question be now put?"

Ordered that said bill be engrossed and read at length for the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Henry J. Giles	Hobart Rayburn
Dr. John Adkins, Jr.	Chas. M. Greene	Tipton Reed
J. Everett Bach	Eugene B. Hancock	J. F. Robinson
Sidney Baer	George F. Harris	Joe Rouse
John Rhea Banton	William K. Henry	Carl J. Ruh
Clarence J. Barnum	Thomas D. Hewlett	Cecil Sanders
Owen Billington	Henry R. Heyburn	Clem Schroader
R. O. Blevins	Chester J. Holsclaw	Gus F. Sheehan, Jr.
J. C. Bradley	William M. Horn	Dr. B. F. Shields
Ed. T. Breathitt	Paul S. Jonas	John A. Sloan
Edward O. Bridgers	William L. Jones	E. A. Spencer
Alex H. Calvert	Jennings Kearby	Mrs. Thelma Stovall
Walter J. Chyle, Jr.	Paul M. Lewis	Egbert V. Taylor
Lewis W. Combest	Mrs. J. T. Linton	Albert Thomason
Marvin A. Cornett	Harry K. Lowman	William F. Threlkeld
R. Josh Cosby	William Maglinger	J. B. Veech
C. E. Dowell	Shelby McCallum	Eulick (Mike) Walsh
Jas. A. Dressman, Jr.	Russell L. Meadows	Wm. Thos. Wathen
Thomas R. Duncan	Tom Mobley	L. M. Weathers
R. L. Dunigan	Walter R. Moorman	W. W. Webster
Jack Early	Fred H. Morgan	W.A.(Pete)Wickliffe
Harold Edwards	Thomas J. Murphy	Charles W. Wirsch
Herbert Fern	Ewin C. Neville	Walker H. Wiseman
Wm. P. Friedlander	Bart N. Peak	Garrett L. Withers
Leslie Gay	Louis T. Peniston	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 65. AN ACT CONCERNING clerks and treasurers of cities of the fourth class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 86.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) The mayor, or in his absence the mayor pro tem, shall be chairman of the city council. The council may, by ordinance, confer the function of clerk of the council upon the treasurer to be performed in addition to the duties prescribed by KRS 92.060 If said function is not conferred upon the treasurer, a clerk of the council shall be elected by the council or by the voters if so prescribed by an ordinance enacted not less than sixty days before any general election.

Mr. Henry moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Leslie Gay	Louis T. Peniston
J. Everett Bach	Chas. M. Greene	Tipton Reed
Sidney Baer	Eugene B. Hancock	J. F. Robinson
Clarence J. Barnum	George F. Harris	Joe Rouse
Owen Billington	William K. Henry	Carl J. Ruh
R. O. Blevins	Thomas D. Hewlett	Cecil Sanders
J. C. Bradley	Henry R. Heyburn	Clem Schroader
Ed. T. Breathitt	William M. Horn	Dr. B. F. Shields
Alex H. Calvert	Paul S. Jonas	John A. Sloan
Walter J. Chyle, Jr.	William L. Jones	E. A. Spencer
Lewis W. Combest	Jennings Kearby	William F. Threlkeld
Marvin A. Cornett	Paul M. Lewis	J. B. Veech
R. Josh Cosby	Mrs. J. T. Linton	Eulick (Mike) Walsh
C. E. Dowell	Harry K. Lowman	Wm. Thos. Wathen
Jas. A. Dressman, Jr.	William Maglinger	L. M. Weathers
Thomas R. Duncan	Shelby McCallum	W. W. Webster
R. L. Dunigan	Walter R. Moorman	Hicks Wells
Jack Early	Fred H. Morgan	Charles W. Wirsch
Herbert Fern	Thomas J. Murphy	Walker H. Wiseman
Wm. P. Friedlander	Bart N. Peak	Garrett L. Withers

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 189. AN ACT authorizing cities of the second class to provide sewer services to common schools located outside of the boundaries.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any city of the second class is authorized to extend its sewer facilities beyond its boundaries for the purpose of furnishing sewer services, under such as may be concluded, to any common school.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Morgan moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Thomas R. Duncan	Jennings Kearby
J. Everett Bach	Jack Early	Paul M. Lewis
Clarence J. Barnum	Wm. P. Friedlander	Mrs. J. T. Linton
Owen Billington	Leslie Gay	Harry K. Lowman
R. O. Blevins	Chas. M. Greene	Shelby McCallum
J. C. Bradley	Eugene B. Hancock	Walter R. Moorman
Ed. T. Breathitt	George F. Harris	Fred H. Morgan
Edward O. Bridgers	William K. Henry	Thomas J. Murphy
Walter J. Chyle, Jr.	Thomas D. Hewlett	Ewin C. Neville
Lewis W. Combest	Henry R. Heyburn	Bart N. Peak
Marvin A. Cornett	Chester J. Holsclaw	Louis T. Peniston
R. Josh Cosby	William M. Horn	Tipton Reed
C. E. Dowell	Paul S. Jonas	J. F. Robinson
Jas. A. Dressman, Jr.	William L. Jones	Joe Rouse

Carl J. Ruh	Egbert V. Taylor	L. M. Weathers
Cecil Sanders	Albert Thomason	W. W. Webster
Clem Schroader	Marion Vance	Hicks Wells
Dr. B. F. Shields	J. B. Veech	W.A.(Pete)Wickliffe
E. A. Spencer	Eulick (Mike) Walsh	Charles W. Wirsch
Mrs. Thelma Stovall	Wm. Thos. Wathen	Walker H. Wiseman

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 41. AN ACT concerning zoning and planning in cities of the first class and in counties containing such cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 100.077 of the Kentucky Revised Statutes is amended to read as follows:

(1) It shall be unlawful to construct in any street or highway any building, structure, improvement, sewer or utility, publicly or privately owned, until and after such street or highway has been made a part of the master plan and until a permit therefor has been duly issued by the proper authority. But the granting or issuing of such permit shall not affect the power of any governmental agency, whose duty it is to make, repair or maintain an existing street, road or highway, or whose duty it may be or will be to construct, repair or maintain the proposed street, road or highway, if and when constructed, subject to the provisions of subsection (2) hereof, (a) to require reimbursement from such permittee for any expenditures made by such agency due to the exercise of such permit, or (b) to determine where and how such sewers, pipes, lines, poles, conduits or other

type or character of construction are to be placed in said existing, projected or proposed street, road or highway, or (c) to require that all work and installations shall be done under the supervision of such governmental agency, or any one designated by such governmental agency. The granting or issuing of any such permit shall not in any way affect the right, if any, of any owner of private property to demand and receive compensation from the permittee for damage to such property caused by such use, whether the right to such use, as distinguished from such permit, be acquired by purchase, lease, condemnation, or otherwise.

(2) A governmental agency whose duty it may or will be to construct, repair or maintain a proposed street, road or highway may, for ninety days after the effective date of this Act, refuse to issue a permit for the construction, in any proposed street, road or highway which is a part of the master plan, of any building, structure, improvement, sewer or utility, without paying to the owner or lessee the compensation hereinafter provided. Further, such governmetal agency may, for a period of ninety days after the addition of a proposed street, road or highway to the master plan, refuse such a permit without paying the compensation hereinafter provided. After the expiration of the ninety day period hereinabove provided, no permit to construct a building, structure, improvement, sewer or utility in any proposed street, road or highway shall be refused unless the governmental agency pays to the owner of such property an annual payment equal to ten percent of the assessed value of such property so situated as determined from the records of the county tax commissioner. Payments shall be made in semi-annual installments.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to

the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Chas. M. Greene	Tipton Reed
Dr. John Adkins, Jr.	Eugene B. Hancock	J. F. Robinson
J. Everett Bach	William K. Henry	Joe Rouse
Sidney Baer	Thomas D. Hewlett	Carl J. Ruh
Clarence J. Barnum	Henry R. Heyburn	Cecil Sanders
Owen Billington	Chester J. Holsclaw	Clem Schroader
R. O. Blevins	William M. Horn	Dr. B. F. Shields
J. C. Bradley	Paul S. Jonas	E. A. Spencer
Ed. T. Breathitt	Jennings Kearby	Mrs. Thelma Stovall
Edward O. Bridgers	James W. Lambert	Egbert V. Taylor
Walter J. Chyle, Jr.	Paul M. Lewis	William F. Threlkeld
Lewis W. Combest	Mrs. J. T. Linton	J. B. Veech
Marvin A. Cornett	Harry K. Lowman	Eulick (Mike) Walsh
R. Josh Cosby	William Maglinger	Wm. Thos. Wathen
C. E. Dowell	Shelby McCallum	L. M. Weathers
Jas. A. Dressman, Jr.	Fred H. Morgan	W. W. Webster
Thomas R. Duncan	Thomas J. Murphy	Hicks Wells
R. L. Dunigan	Ewin C. Neville	Charles W. Wirsch
Jack Early	Bart N. Peak	Walker H. Wiseman
Wm. P. Friedlander	Louis T. Peniston	Garrett L. Withers
Leslie Gay		—61

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 40. AN ACT changing the classification of the City of Jeffersontown, in Jefferson County.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Jeffersontown, in Jefferson County, is changed from the sixth class to the fifth class of cities.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in acordance with the proviison of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	J. C. Bradley	R. Josh Cosby
J. Everett Bach	Ed. T. Breathitt	C. E. Dowell
Sidney Baer	Edward O. Bridgers	Jas. A. Dressman, Jr.
Clarence J. Barnum	Walter J. Chyle, Jr.	Thomas R. Duncan
Owen Billington	Lewis W. Combest	R. L. Dunigan
R. O. Blevins	Marvin A. Cornett	Jack Early

Wm. P. Friedlander	Harry K. Lowman	E. A. Spencer
Leslie Gay	William Maglinger	Mrs. Thelma Stovall
Chas. M. Greene	Shelby McCallum	Egbert V. Taylor
Eugene B. Hancock	Fred H. Morgan	Albert Thomason
George F. Harris	Thomas J. Murphy	William F. Threlkeld
William K. Henry	Ewin C. Neville	J. B. Veech
Thomas D. Hewlett	Bart N. Peak	Eulick (Mike) Walsh
Henry R. Heyburn	Louis T. Peniston	Wm. Thos. Wathen
Chester J. Holsclaw	Tipton Reed	L. M. Weathers
William M. Horn	J. F. Robinson	W. W. Webster
Paul S. Jonas	Joe Rouse	Hicks Wells
Jennings Kearby	Carl J. Ruh	W.A.(Pete)Wickliffe
James W. Lambert	Cecil Sanders	Charles W. Wirsch
Paul M. Lewis	Dr. B. F. Shields	Garrett L. Withers
Mrs. J. T. Linton	John A. Sloan	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be returned to the Senate.

The House took up from the Orders of the Day, a bill of the following title, viz:

H. B. No. 216. AN ACT relating to alleged mental incompetents.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 202.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) All persons named in the petition, including the defendant, if of legal age, shall be notified of the proceeding by a summons issued requiring the person having custody or residing with the defendant, to appear with the defendant at a time and place stated in the summons, not less than three days after service. The parents of the defendant, if living, if their residence

be known to the petitioner, or the legal guardian, if one there be, and his residence is known to the petitioner, or if there be neither parent nor guardian whose residence is known to the petitioner, then some near relative, if his residence is known to the petitioner, shall also be notified of the proceedings. If a person summoned as provided in this section fails without reasonable cause to appear and abide by the order of the court, he may be proceeded against for contempt of court.

(2) If the petition alleges that the defendant is of violent character and is dangerous, a warrant may be issued for his arrest. If any such person is arrested on such warrant, he shall be taken immediately to any municipal, county or state hospital or mental institution and shall be examined by one or more psychiatrists attached to such institution. If the person is deemed of violent character and confinement is recommended by the examining psychiatrist, such person shall be confined in an appropriate state, municipal or state hospital or mental institution rather than in the county jail, to await further legal action as further prescribed in this chapter.

Mrs. Stovall of the Committee to which said bill had been referred, offered the following amendment to said bill, viz:

Amendment No. 1. Amend printed copy of H. B. 216 on page 2, sub-section 2, line 31, after the word "Chapter" add the following sentence "In counties where hospital facilities are not available, said persons may be confined in the county jail for a period not to exceed forty-eight hours."

Said motion was agreed to.

Said amendment was adopted.

Mrs. Stoval of the Committee to which said bill had been referred, offered the following amendment to said bill, viz:

Amendment No. 2. Amend printed copy of H. B. 216 on page 2, sub-section 2, line 24, following the word "more" add the words "staff physicians or"

Said motion was agreed to.

Said amendment was adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "shall the Main Question be now put?"

Ordered that said bill be engrossed and read at length for the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Ray Holbrook	Cecil Sanders
Dr. John Adkins, Jr.	Chester J. Holsclaw	Dr. B. F. Shields
J. Everett Bach	William M. Horn	John A. Sloan
Sidney Baer	Paul S. Jonas	E. A. Spencer
Clarence J. Barnum	Jennings Kearby	Mrs. Thelma Stovall
Owen Billington	Paul M. Lewis	Egbert V. Taylor
Ed. T. Breathitt	Mrs. J. T. Linton	Albert Thomason
Edward O. Bridgers	Harry K. Lowman	Marion Vance
Lewis W. Combest	William Maglinger	J. B. Veech
Marvin A. Cornett	Shelby McCallum	Eulick (Mike) Walsh
R. Josh Cosby	Fred H. Morgan	Wm. Thos. Wathen
C. E. Dowell	Thomas J. Murphy	L. M. Weathers
Jas. A. Dressman, Jr.	Ewin C. Neville	W. W. Webster
Thomas R. Duncan	Bart N. Peak	Hicks Wells
Wm. P. Friedlander	Louis T. Peniston	W.A.(Pete)Wickliffe
William K. Henry	Tipton Reed	Charles W. Wirsch
Thomas D. Hewlett	J. F. Robinson	Walker H. Wiseman
Henry R. Heyburn	Carl J. Ruh	Garrett L. Withers

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Resolved that the title thereof be as aforesaid.

Mrs. Stovall moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 6. AN ACT to repeal, amend and re-enact section 95.768 KRS, 1946 Edition, providing for the establishment of a police and firemen's pension fund in cities of the fourth class and for the source, custody, investment and disbursement of said fund.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 95.768, Kentucky Revised Statutes, 1946 Edition be, and the same is now repealed, amended and re-enacted.

2. The Police and Firemen's Pension Fund in cities of the fourth class shall consist of (a) the proceeds of an annual tax, which may be levied by the City Legislative Body, of not more than three cents on each hundred dollars in value of taxable property, (b) all rewards, fees, gifts or emoluments paid or given on account of extraordinary service of any member of the police or fire department; (c) assessments, which the Board of Trustees of the pension fund shall make, upon each member of the police and fire departments, of not more than three and one-half percent of his salary, to be held from the monthly salary and paid by the City Treasurer into the Pension Fund.

3. Said fund shall be for the pensioning of any policeman or fireman who has served in the Police or Fire Departments for at least a period of twenty years or more, providing that applicant has reached his fifty-first birthday, and all members of the police and fire departments shall be entitled to be credited with the services rendered continuously prior to the adoption ordinance under the provisions of section 95.761, Kentucky Revised Statutes, by said City, to the eligibility of the twenty year or more, period for pension, not less than three, nor to exceed fifteen years of previous service, and for the further purpose of pensioning any member of the Police or Fire Department who

may become permanently crippled while in the service and on duty, and for the further purpose of pensioning the widow or dependent children under fourteen (14) years of age, or either of them, of any member of said departments who may lose his life while in the service and on active duty. The payments made under the provisions of this section shall constitute and be kept as a fund to be called the "Policemen's and Firemen's Pension Fund," and the Board of Trustees of the Policemen's Pension Fund, are declared to be the trustees of said fund, and they shall have power, and it shall be their duty, from time to time, to invest the same, in whole or in part, as they shall deem most advantageous for the objects of said fund; and they are empowered to make all the necessary contracts and to pursue all the necessary remedies in the premises.

All laws, or parts of laws, in conflict herewith are repealed.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Clarence J. Barnum	Ed. T. Breathitt
J. Everett Bach	Owen Billington	Edward O. Bridgers
Sidney Baer	J. C. Bradley	Walter J. Chyle, Jr.

Lewis W. Combest	Jennings Kearby	Dr. B. F. Shields
Marvin A. Cornett	James W. Lambert	John A. Sloan
R. Josh Cosby	Paul M. Lewis	E. A. Spencer
C. E. Dowell	Mrs. J. T. Linton	Mrs. Thelma Stovall
Jas. A. Dressman, Jr.	Harry K. Lowman	Egbert V. Taylor
Thomas R. Duncan	William Maglinger	Albert Thomason
Jack Early	Shelby McCallum	William F. Threlkeld
Wm. P. Friedlander	Fred H. Morgan	Marion Vance
Chas. M. Greene	Thomas J. Murphy	J. B. Veech
Eugene B. Hancock	Ewin C. Neville	Eulick (Mike) Walsh
George F. Harris	Bart N. Peak	Wm. Thos. Wathen
William K. Henry	Louis T. Peniston	L. M. Weathers
Henry R. Heyburn	Tipton Reed	W. W. Webster
Ray Holbrook	J. F. Robinson	W.A.(Pete)Wickliffe
Chester J. Holsclaw	Joe Rouse	Charles W. Wirsch
William M. Horn	Carl J. Ruh	Walker H. Wiseman
Paul S. Jonas	Cecil Sanders	Garrett L. Withers
William L. Jones		—61

Resolved that the title thereof be as aforesaid.

Mr. Wirsch moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

REFERAL OF BILLS

House Bills 333. Cities of the First Class
334. Cities of the Second Class
335. Courts & Legal Procedures
336. Criminal Law
337. Kentucky Statutes No. 2
338. Ways & Means
339. Insurance
341. Kentucky Statutes No. 2
342. Constitutional Amendments
343. Motor Transportation

House Resolution 36. Kentucky Statutes No. 2

House Resolution 35. Kentucky Statutes No. 2

Senate Bills 13. Kentucky Statutes No. 2

10. Kentucky Statutes No. 1

25. Motor Transportation

48. Kentucky Statutes No. 2

73. Judiciary & Judicial Council

90. Kentucky Statutes No. 1

91. Judiciary & Judicial Council

100. Kentucky Statutes No. 2

111. Ways & Means

105. Kentucky Statutes No. 2

107. Cities of the Second Class

108. Cities of the Fifth Class

115. Kentucky Statutes No. 2

138. Kentucky Statutes No. 2

140. Kentucky Statutes No. 2

Mr. Bach moved that the House do now adjourn until 8:00 o'clock p.m., Monday, February 18, 1952.

Said motion was agreed to.

And then the House adjourned.

MONDAY, FEBRUARY 18, 1952

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by Father O'Dwyer, Church of the Good Shepherd, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bill Adams	Chas. M. Greene	Louis T. Peniston
Dr. John Adkins, Jr.	Henry C. Hale	Hobart Rayburn
Henry Arrowood	Eugene B. Hancock	Tipton Reed
J. Everett Bach	George F. Harris	J. F. Robinson
Sidney Baer	John Head	Earl Rogers
John Rhea Banton	Farmer Helton	Joe Rouse
Clarence J. Barnum	William K. Henry	Carl J. Ruh
Owen Billington	Thomas D. Hewlett	Amos Runyon
Wm. W. Blanton	Henry R. Heyburn	Cecil Sanders
R. O. Blevins	E. R. Hilton	Clem Schroader
J. C. Bradley	Ray Holbrook	Gus F. Sheehan, Jr.
Ed. T. Breathitt	Chester J. Holsclaw	John A. Sloan
Edward O. Bridgers	William M. Horn	E. A. Spencer
Thomas L. Britton	Paul S. Jonas	Mrs. Thelma Stovall
Alex H. Calvert	William L. Jones	E. H. (Ted) Stumbo
Walter J. Chyle, Jr.	Jennings Kearby	Egbert V. Taylor
Marvin A. Cornett	James W. Lambert	Albert Thomason
R. Josh Cosby	Jesse H. Lawrence	William F. Threlkeld
Charles M. Crowe	Paul M. Lewis	Marion Vance
J. C. Denney, Jr.	Harry K. Lowman	J. B. Veech
C. E. Dowell	William Maglinger	Eulick (Mike) Walsh
Jas. A. Dressman, Jr.	Shelby McCallum	Wm. Thos. Wathen
Thomas R. Duncan	Russell L. Meadows	L. M. Weathers
R. L. Dunigan	Tom Mobley	Hicks Wells
Jack Early	Robert H. Moore	William B. Wells
Harold Edwards	Walter R. Moorman	W.A.(Pete)Wickliffe
William Engle	Fred H. Morgan	Charles W. Wirsch
Roscoe Estep	Earl F. Murphy	Walker H. Wiseman
Herbert Fern	Thomas J. Murphy	Garrett L. Withers
Wm. P. Friedlander	Ewin C. Neville	Charles W. Burnley,
Leslie Gay	Bart N. Peak	Speaker
Henry J. Giles		—93

Mr. Baer moved that the absentee be granted a leave of absence.

Said motion was agreed to.

The absentees were as follows, viz: Mrs. Mary E. Burnete,

Lewis W. Combest, Mrs. J. T. Linton, G. Lee McClain, Dr. B. F. Shields, W. W. Webster and Morris Weintraub.

Mr. Barnum moved that the reading of the Journal of the proceedings of Friday, February 15, 1952, be dispensed with, and the same be approved.

Said motion was agreed to.

SENATE MESSAGE

A message was received from the Senate that they had passed bills originating in that body, of the following titles, viz:

S. B. 116. AN ACT relating to crimes and punishment.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 258 of Carroll's Kentucky Criminal Code of Practice is amended to read as follows:

In verdicts of "guilty," or a plea of guilty, "for the Commonwealth," by agreement of the Commonwealth's Attorney and the defendant, with advice of an attorney, the court may, within its discretion, and without the intervention of a jury, fix the degree of punishment to be inflicted within the minimum or maximum punishment prescirbed by law, except where the offense is punishable by death. In the absence of such agreement and in all cases where the offense is punishable by death, the jury shall fix the degree of punishment, unless the same be fixed by law.

Section 2. Section 431.130 of the Kentucky Revised Statutes is amended to read as follows:

A jury by whom an offender is tried in any court of this Commonwealth shall fix by its verdict a punishment to be inflicted within the periods or amounts prescribed by law; provided, however, that upon a verdict of "guilty" or a plea of guilty "for the Commonwealth," by agreement of the Commonwealth's Attorney and the defendant, with advice of an attorney the court may, within its discretion, and without the intervention

of a jury, fix the degree of punishment within the periods or amounts prescribed by law, except in cases involving an offense punishable by death. Prisoners sentenced to punishment by confinement in the penitentiary shall be kept at hard labor. If the punishment is a fine or imprisonment in the jail or the county, or both, the imprisonment shall be close confinement in the jail of the county where the trial was held, unless otherwise provided. The prisoner shall also be confined in the county jail until the costs are paid, unless otherwise provided. In any jurisdiction where there is a county workhouse the court may in its discretion confine the prisoner to the county workhouse instead of the county jail.

Section 3. Section 284 of Carroll's Criminal Code of Practice is amended to read as follows:

The court shall, in its judgment, affix the degree of punishment to be inflicted as found by the court, or by the verdict of the jury or as fixed by law.

Said bill was ordered printed and referred.

S. B. No. 155. AN ACT to amend and re-enact Section 91.140 KRS relating to election of officers, and the appointment of employees of sinking funds of cities of the first class and prescribing the power and duties of such officers and employees.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 91.140, Kentucky Revised Statutes, is amended to read as follows:

(1) The commissioners of the sinking fund shall annually elect one of their number president.

(2) The commissioners of the sinking fund shall, by a majority vote, elect a treasurer and secretary, who shall give bond with good and sufficient surety, to be approved by the commissioners, and shall take oath in the manner required of the commissioners by subsection (4) of KRS 91.130. He shall hold office for four years and until his successor is qualified.

Vacancies shall be filled by appointment of the commissioners. The treasurer and secretary shall keep an accurate record of all proceedings of the board of commissioners, receive and disburse all moneys by order of the commissioners and keep an accurate account thereof, and perform all other acts required of him by the commissioners. He shall account for all money and other things of value belonging to the sinking fund that come into his hands or control.

(3) The Commissioners shall elect all officers and appoint all employees of the sinking fund, prescribe their duties and fix their compensation. They may provide in bylaws for deductions to be made from the compensation of officers and employes for neglect of duty or violation of the bylaws. All officers and employes, except the treasurer and secretary and the president, shall hold office at the pleasure of the commissioners, as prescribed in the bylaws.

(4) Such employees of the Sinking Fund as may be designated by the Board of Commissioners thereof, shall have the same powers as Peace Officers, co-extensive with the county in which said city is located, in the enforcement of all ordinances passed pursuant to sections 92.281, 91.200, to 91.270 inclusive, 137.330, 186.270, 281.815, Kentucky Revised Statutes, or any other ordinance of a city of the first class, which levies a license tax and which is collected or paid to said Sinking Fund.

Any designations made by the Commissioners of the Sinking Fund of cities of the first class, shall be entered of record in the minutes of the Board and a certified copy thereof shall be transmitted to the Judge of the Police Court of said city, and he shall enter same of record and administer to each employee the oath required of Peace Officers.

Said bill was ordered printed and referred.

Mr. Vance moved that H. B. 51 be made a Special Order of business for tonight at 9:30 p.m.

Mr. Lowman and Early, having requested a roll call, and it was so ordered, as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Thomas D. Hewlett	J. F. Robinson
Thomas L. Britton	Henry R. Heyburn	Earl Rogers
R. L. Dunigan	Ray Holbrook	John A. Sloan
Harold Edwards	James W. Lambert	Marion Vance
Wm. P. Friedlander	Earl F. Murphy	Hicks Wells
Chas. M. Greene	Ewin C. Neville	Charles W. Wirsch
Henry C. Hale	Louis T. Peniston	

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Those who voted in the negative were—

Dr. John Adkins, Jr.	George F. Harris	Hobart Rayburn
Henry Arrowood	John Head	Tipton Reed
J. Everett Bach	Farmer Helton	Carl J. Ruh
Sidney Baer	E. R. Hilton	Amos Runyon
John Rhea Banton	William M. Horn	Cecil Sanders
Owen Billington	Jennings Kearby	Clem Schroader
R. O. Blevins	Paul M. Lewis	Gus F. Sheehan, Jr.
Ed. T. Breathitt	Harry K. Lowman	Albert Thomason
Alex H. Calvert	William Maglinger	William F. Threlkeld
Marvin A. Cornett	Shelby McCallum	J. B. Veech
R. Josh Cosby	Russell L. Meadows	Wm. Thos. Wathen
J. C. Denney, Jr.	Tom Mobley	L. M. Weathers
C. E. Dowell	Robert H. Moore	William B. Wells
Jas. A. Dressman, Jr.	Walter R. Moorman	W.A.(Pete)Wickliffe
Jack Early	Thomas J. Murphy	Walker H. Wiseman
William Engle	Bart N. Peak	Garrett L. Withers
Eugene B. Hancock		

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Mr. Early moved that H. B. 51 be recommitted to the Committee on Education.

Said motion was agreed to.

Mr. Morgan moved that H. B. 76 be taken from the Clerk's Desk and recommitted to the Committee on Ways & Means.

Mr. Stumbo asked that it be recorded in the Journal of the House, that he desired, if possible, to withdraw his name as one of the sponsors of H. B. No. 359.

Mr. Ruh moved that Mr. Weintraub of Campbell County,

be considered absent without leave after tonight, and the Clerk be instructed to wire Mr. Weintraub to this effect.

Said motion was agreed to.

INTRODUCTION OF RESOLUTIONS

A resolution of the following title was introduced, viz:

By Mr. Weathers.

H. Res. No. 41. A CONCURRENT RESOLUTION directing the Superintendent of Public Instruction to forward certain information to certain educational authorities.

Said resolution is as follows, viz:

A CONCURRENT RESOLUTION directing the Superintendent of Public Instruction to forward certain information to certain educational authorities.

WHEREAS, it is to the benefit of the public generally that as many persons as possible should be taught the nature of alcoholic liquor and narcotics and their injurious effects on the human system; and

WHEREAS, the General Assembly of the Commonwealth has recognized this fact and has enacted legislation requiring such instruction in the common schools; but

WHEREAS, it appears that a majority of the school authorities in this state are unaware of or are willfully ignoring the existence of such legislation;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonweath of Kentucky, the Senate concurring therein:

Section 1. That the superintendent of Public Instruction is directed to forward, within ninety days after the effective date of this Resolution to each superintendent and principal of every common school within the state, and to those persons responsible for adopting textbooks for such schools, a copy of section 158.270 of the Kentucky Revised Statutes which reads as follows:

(1) The nature of alcoholic liquor and of narcotics and

their injurious effects on the human system shall be taught in each of the grades, four to ten inclusive, of the common schools. It shall be the duty of the superintendent and principal of every school and the president of every university, college or academy to have presented for a period of thirty minutes to the entire student body in assembly, at least on two occasions each term or semester by an appropriate program, the scientific, social and moral aspects of alcoholic beverages, stimulants and narcotics.

(2) The failure of any superintendent, principal or teacher to comply with the terms of this section shall be deemed a cause for the revocation of his contract of employment, and upon notice to the board of education employing such superintendent, principal or teacher that he has failed to do so it shall be the duty of said board to conduct a hearing and if the charge be proved to dismiss or discharge said superintendent, principal or teacher.

(3) When textbooks on physiology and hygiene shall be hereafter adopted or approved for the schools, such books shall contain a substantial text, to be approved by the Superintendent of Public Instruction, devoted to the nature of alcoholic liquors and narcotics and their effect upon the human system.

Section 2. That the superintendent of Public Instruction, in a covering letter, shall direct the superintendents and principals to inform each teacher in their school of the Provisions of KRS 158.270.

Section 3. That the Clerk of the House of Representatives is directed to deliver a copy of this Resolution to the Superintendent of Public Instruction.

Said resolution was referred to the Committee on Committees and reported favorably.

Said resolution was adopted by voice vote.

Mr. Ruh moved that the rules be suspended for the purpose of making a motion.

Said motion was agreed to.

Mr. Ruh moved that the motion he made earlier, pertaining to Mr. Weintraub, be withdrawn.

Said motion was agreed to.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Mr. Lowman.

H. B. No. 368. AN ACT appropriating money out of the General Expenditure Fund for the fiscal year ending June 30, 1952, for expenses of sessions of the General Assembly, and declaring an emergency to exist.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated out of the funds in the Genreal Expenditure Fund not otherwise appropriated for the fiscal year ending June 30, 1952, the sum of $150,000 for expenses of sessions of th General Assembly.

Section 2. Whereas the appropriation made by Chapter 1 of the Acts of 1950 for the expenses of Legislative Sessions for the fiscal year ending June 30, 1952, is insufficient to defray expenses of the current Regular Session of the General Assembly, and it is necessary that additional funds be immediately provided, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. No. 369. AN ACT relating to the Division of Publicity, amending KRS 146.060.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 146.060 of the Kentucky Revised Statutes is amended to read as follows:

The Division of Publicity shall promote, advertise and publicize the Commonwealth, its departments, agencies and institutions, highways, bridges, tourist attractions and any and all of its other resources, facilities and advantages. The division may engage in the preparation, publication and distribution of road maps, booklets, other publications, photographs, advertisements, motion pictures, and other activities intended to advertise and publicize Kentucky highways and highway conditions, tourist, scenic and travel attractions and places of interest to motorists and other resources or activities of the Commonwealth. The division may purchase space in magazines, newspapers and other publications, purchase radio or television time, and may cause to be made and circulated all maps, prints, plans, lithographs, engravings, and other specialized work deemed necessary in the dissemination of information concerning roads and highways, tourist attractions and other resources or activities of the Commonwealth. The division may receive and spend donations, and funds appropriated to other departments may be transferred to the Division of Publicity to carry out the purposes of this act, with the approval of the Department of Finance.

Said bill was ordered printed and referred.

By Mrs. Stovall.

H. B. No. 370. AN ACT relating to Workmen's Compensation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This Act shall be known as "Kentucky Workmen's Occupational Diseases Act" and shall be administered by the Workmen's Compensation Board of Kentucky.

Section 2. ELECTION—Any employer subject to the provisions of Chapter 342 Kentucky Revised Statutes may elect to provide and pay compensation according to the provisions of this Act, for disability or death resulting from occupational diseases as herein defined, and such election, when effective, shall apply to all cases in which the last day of the last exposure, as defined in this Act, to the hazards of the occupational disease

claimed upon shall have occurred on or after the effective date of such election. The employer so electing shall be liable to provide and pay compensation under the provisions of this Act and shall be relieved of all other liability with respect to injury to health or death therefrom by reason of any disease contracted or sustained in the course of the employment.

Section 3. ELECTION—HOW MADE. – Any employers subject to the provisions of Chapter 342 Kentucky Revised Statutes, and their employees may, subject themselves thereto by joint, voluntary application to the Board, in writing, for such period as may be stated in the application, which shall be irrevocable during such period and effective thereafter until a written revocation be filed with the Board or the employment be terminated. The Workmen's Compensation Board shall prescribe the form of notice by which such elections shall be effected.

Section 4.—COMPENSATION EXCLUSIVE REMEDY.—In all cases where the employer and employee are subject to the provisions of the Act, and where the employer has complied with the provisions of this Act regarding insurance, the liability of the employer under this Act shall be exclusive, and shall be in place of any and all other civil liability whatsoever, at common law or otherwise, to such employee or to his spouse, children, parents, dependents, next of kin, personal representatives, guardian or any others on account of any disease or injury to health, or on account of death from any disease or injury to health, in any way contracted sustained or incurred by such employee in the course of or because of or as arising out of his employment, except only an injury compensable as an injury by accident under the provisions of the Workmen's Compensation Act of Kentucky.

Section 5. DEFINITION OF TERMS.—Except as otherwise provided in this Act all definitions of terms as set out in the general provisions of this chapter shall, wherever applicable, apply to the provisions of this Act.

(a) "Disablement" means the event of becoming physically incapacitated by reason of an occupational disease as defined in this Act from performing any work for remuneration or profit.

"Disability", "disabled", "total disability", "totally disabled", or "total disablement" or partial disability as defined in the General Act shall be synonymous with "disablement".

(b) "Compensation" means the payments and benefits provided for in the Workmen's Compensation Act of Kentucky subject to conditions and limitations contained in this Act.

(c) "Occupational Disease" means any disease arising out of and in the course of employment.

(d) "Injurious exposure" and "Harmful quantities" where used in this Act shall be construed as synonymous terms and shall mean that concentration of toxic material which would, independently of any other cause whatsoever produce or cause the disease for which claim is made.

Section 6. DISABLEMENT, WHEN MUST COMMENCE.—No compensation shall be payable for or on account of any occupational disease unless disablement, as herein defined, occurs within one (1) year after the last injurious exposure to the hazards of the disease, except in cases of occupational diseases caused by the inhalation of silica dust as provided under K. R. S. 342.316. No compensation shall be payable for or on account of death resulting from any occupational disease unless death occurs within one (1) year after the date of disablement: Provided, that this paragraph shall not be a bar to compensation for death (a) where death occurs during the pendency of a claim filed by an employee within one (1) year after the date disablement and which claim has not resulted in a decision or has resulted in a decision which is in process of review or appeal, or (b) where, by the agreement filed or decision rendered, a compnesable period of disability has been fixed and death occurs within (1) year after the end of such fixed period, but in no event later than 300 weeks after the date of disablement.

Section 7. OCCUPATIONAL DISEASE, DEFINITION.—

(a) As used in this Act, the term "occupational disease" means a disease arising out of and in the course of the employment. Ordinary diseases of life to which the general public is exposed outside of the employment shall not be compensable,

except where such diseases follow as an incident of an occupational disease as defined in this section. (b) A disease shall be deemed to arise out of the employment only if there is apparent to the rational mind, upon consideration of all the circumstances, a direct causual connection between conditions under which the work is performed and the occupational disease, and which can be seen to have followed as a natural incident of the work as a result of the exposure occasioned by the nature of the employment and which can be fairly traced to the employment as the proximate cause, and which does not come from a hazard to which workmen would have been equally exposed outside of the employment. The disease must be incidental to the character of the business and not independent of the relation of employer and employee. The disease need not have been foreseen or expected but after its contraction it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

Section 8, NOTICE OF DISABILITY: CLAIM FOR COMPENSATION:

TIME OF FILING:—No proceeding under this Act for compensation for disability or death resulting from occupational disease as herein defined shall be maintained unless a notice of the disability shall have been given to the employer, and claim for compensation filed, within the time limits herein provided;

(a) Notice of disability, shall be given to the employer as soon as practicable after the beginning of disability or after the diagnosis by a licensed physician of the employer's having developed such occupational disease.

(b) The procedure for the giving of notice and the filing and determination of claims in occupational disease cases shall, except as herein specified, be the same as under the general provisions of this chapter with respect to accidental injury or death.

Section 9. WHEN OCCUPATIONAL DISEASE IS COMPLICATED WITH OR AGGRAVATED BY OTHER DISEASES—EXCEPTION.—When an occupational disease is complicated with or is aggravated by any other disease or in-

firmity not itself compensable, or when disability or death from any other cause not itself compensable is complicated with or is aggravated, prolonged, accelerated or in any wise contributed to by any occupational disease the compensation payable under this Act shall be reduced and limited to such proportion of the disability as is caused by the occupational disease.

Section 10. TERMINATION OF COMPENSATION—REOPENING AWARD—

(a) Payment of compensation for disablement shall cease upon the termination of the disablement. An application to terminate compensation awarded may be made to the Board by any person in interest or the termination may be decided by the Board upon its own motion. Where the disablement has terminated and within two years thereafter, the disablement shall recur as a resultof the occupational disease for which an award has been made, the Board may order resumption of compensation if claim therefor be made within sixty days after the recurrence of the disablement.

(b) Application to terminate or to resume the payment of compensation shall be supported by a showing of change of condition, mistake or fraud. Reopening of an award under this section shall be had upon notice tc the parties interested and shall not affect the previous order or award as to any sums paid thereunder.

Section 11. PROOF OF DISABILITY.—All compensation payments provided for in this Act shall mean and be defined to be for only such occupational diseases and disabilities therefrom as are proven by competent evidence, of which there are or have been objective conditions or symptoms proven, not within the physical or mental control of the employee himself.

Section 12. AUTOPSY IN DEATH CLAIMS.— (a) At any time after the death of any employee, if it appears that a controversy may exist or arise in regard to the cause of death or the existence of any occupation disease, the Board or any member thereof may order an autopsy when requested so to do by the employer or insurance carrier.

The person requesting the autopsy shall pay the cost thereof and shall have the right to select the physician who shall make the autopsy. Any interested person may at his own expense designate a duly licensed physician to attend such autopsy. The findings of the physician performing the autopsy may be filed with the Board and if so filed shall be competent evidence in any proceeding under this Act for compensation on account of the disability or death of such employee, except that either party shall have the right to take deposition of such physician or physicians upon due notice to other party. Where an autopsy has been performed pursuant to the provisions of this section no cause of action shall lie against any person, firm or corporation for requesting or participating in such autopsy. (b) No autopsy shall be held in any case, by any person, without written or telegraphic notice first being given to the employer and one or more of the dependents, if they reside in this state or their whereabouts can reasonably be ascertained, of the time and place thereof and reasonable time and opportunity given such parties in interest to have a representative or representatives present to witness the same. If such notice is not given, all evidence obtained by such autopsy shall be suppressed on motion duly made to the Board.

Section 13. THE LAST EMPLOYER LIABLE.—Where compensation is payable for an occupational disease, except Silicosis, the employer in whose employment the employee was last injuriously exposed to the hazards of such disease and the insurance carrier if any, on the risk when such employee was last so exposed under such employer, shall alone be liable therefor, without right to contribution from any prior employer or insurance carrier.

Section 14. JOINT EMPLOYERS—LIABILITY—Whenever any employee for whose disability or death compensation is payable under this Act shall, at the time of the last exposure, be exposed in the joint service of two or more employers subject to the compensation provisions of this Act, such employers shall contribute to the payment of such compensation in proportion to their wage liability to such employees. Nothing in this section shall prevent any reasonable arrangements between such

employers for a different distribution as between themselves of the ultimate burden of compensation.

Section 15. CLAIMS ERRONEOUSLY FILED UNDER WORKMEN'S COMPENSATION ACT. Whenever any claimant misconceives his remedy and files an Application for Adjustment of Claim under the Workmen's Compensation Act of Kentucky, and amendments thereto and it is subsequently discovered, at any time before the final disposition of such cause, that the claim for injury or death which was the basis for such application should properly have been made under the provisions of this Act, then the application filed under the Kentucky Workmen's Compensation Act and amendments thereto, may be amended in form or substance or both to assert a claim for such liability or death under the provisions of this Act, and it shall be deemed to have been so filed as amended on the date of the original filing thereof, and such compensation may be awarded as is warranted by the whole evidence pursuant to the provisions of this Act. When such amendment is submitted, further or additional evidence may be heard by the Board when deemed necessary. Nothing in this section contained shall be construed to be or permit a waiver of any of the provisions of this Act with reference to notice or time for filing claim, but notice of the filing of a claim, if given or done, shall be deemed to be a notice or filing of a claim under the provisions of this Act, if given or done within the time required herein.

Section 16. APPLICATION OF GENERAL PROVISIONS OF CHAPTER

Except as herein otherwise provided, all of the provisions of the Workmen's Compensation Act of Kentucky, being Chapter 342 Kentucky Revised Statutes, shall apply insofar as they may be pertinent and applicable and not inconsistent with the provisions of this Act, to the administration of this Act and proceedings thereunder.

All provisions of the Workmen's Compensation Act with respect to medical benefits shall apply to this Act.

Said bill was ordered printed and referred.

By Mr. Bach.

H. B. No. 371. AN ACT relating to game and fish.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 433.700 of the Kentucky Revised Statutes is amended to read as follows:

Any person who enters upon the enclosed lands of another to shoot, hunt or fish without the written consent of the owner or occupant shall be fined not less than five dollars nor more than twenty-five dollars.

Section 2. Section 150.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) Conservation officers or other persons appointed by the director and all peace officers and their deputies shall enforce the provisions of this chapter. They may arrest on sight, without a warrant, any person detected by them or any of them in the act of violating any of the provisions of this chapter. They shall have the same right as sheriffs to require aid in arresting without process or with process any person found by them violating this chapter and may seize without process anything declared by this chapter to be contraband. No liability shall be incurred by any person so charged and directed.

(2) Conservation officers and other officers charged with the enforcement of this chapter shall also enforce the provisions of KRS 433.700. They shall have the authority to call for and inspect the license or badge of any person engaged in any activity where a license is required under this chapter, and to call for and inspect the written consent required under KRS 433.700.

(3) No person shall resist or obstruct or interfere with or threaten or attempt to intimidate or in any other manner interfere with any officer in the discharge of his duties under the provisions of this chapter.

Said bill was ordered printed and referred.

By Mr. Kearby.

H. B. No. 372. AN ACT relating to removal of improvements on unimproved or unproductive lots.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 381.450 of the Kentucky Revised Statutes is hereby repealed and re-enacted as follows:

Owners of particular estates of freehold, in possession or in estates for years, in unimproved or unproductive lots or land in which other persons are the owners of the reversion or remainder, may, within ninety days after the interest or estate in such lots ceases, remove any improvements they have erected thereon.

Said bill was ordered printed and referred.

By Mr. Holbrook and Hale.

H. B. No. 373. AN ACT relating to free hunting and fishing licenses.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person who served in the Armed Forces of the United States during the period of actual hostilities in World Wars I or II, or the Korean conflict, who was discharged from such service under any conditions other than dishonorable, and who is a resident of this state, shall be entitledfi each year, to be issued a state-wide hunting license and a state-wide fishing license without the payment of any fee.

Said bill was ordered printed and referred.

By Mr. Kearby.

H. B. No. 374. AN ACT concerning occupations covered by the imposition of stat occupational license taxes. (Imposing a tax on fortuntellers)

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 137.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) For the privilege of possessing in this state cigarettes upon which the state cigarette tax has not been paid and the state tax stamps not affixed to the package, box or container, as required by KRS 138.130 to 138.200, or for the privilege of selling in this state to another person for resale in this state cigarettes upon which the state cigarette tax has been paid, there is imposed a license fee of twenty-five dollars per annum. "Possessing" as used in this subsection does not include the transportation of cigarettes in interstate commerce nor a temporary holding in good faith by a transportation agency prior to shipping out of the state or prior to delivery to consignee or his agent, but it does include possession for purposes of sale, gift or use within the state after the interstate journey is ended.

(2) For each restaurant serving meals, a license fee of ten dollars per annum is imposed.

(3) For each retail outlet of soft drinks or ice cream, a license fee of five dollars per annum is imposed. In cases where ice cream and soft drinks are sold by the same retail outlet, one license tax of ten dallors per annum only shall be charged.

(4) For each theater, a license fee of twenty cents per seat per annum is imposed, the minimum charge to be ten dollars per annum. In case of open air or drive-in theaters, each parking space for a vehicle from which the performance may be viewed, shall be construed as the equivalent of two seats in calculating the license fee under this section. This subsection shall not apply to chautauquas or fairs, or to buildings owned or operated by religious, educational or charitable organizations in which public exhibitions or performances are given by such organizations, but it shall apply when nonreligious, noneducational or noncharitable organizations or persons use such buildings.

(5) For each billiard or pool table or bowling alley, ir-

respective of size, where a fee is charged and collected, directly or indirectly, a license fee of thirty dollars per annum for the first table or alley and five dollars per annum for each additional table or alley is imposed.

(6) For each place where tobacco products are sold at retail, a license fee of ten dollars per annum is imposed.

(7) For the privilege of engaging in the practice of being a medium, clairvoyant, soothsayer, fortune teller, palmist, phrenologist or spiritualist or like activity a license fee of twenty-five dollars per annum is imposed.

Said bill was ordered printed and referred.

By Mr. Baer.

H. B. No. 375. AN ACT pertaining to the records of the Insurance Department and providing for public hearings on the filing of rates.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

All filing of rates before the Insurance Commissioner shall be open to the public.

The Insurance Commissioner shall if requested by any interested person or organization, hold a public hearing before the filing of any rate shall become effective. Such hearing shall be held within sixty days after such filing.

Said bill was ordered printed and referred.

By Mr. Holsclaw, Barnum, Lawrence, Baer, Dunigan, Taylor and Greene.

H. B. No. 376. AN ACT relating to the conduct of schools.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 158.020 of the Kentucky Revised Statutes is repealed.

Said bill was ordered printed and referred.

By Mr. Thomas J. Murphy.

H. B. No. 377. AN ACT relating to Arbitration Awards.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The award of the arbitrators shall be in writing and signed by them and the umpire, if any, and shall be a final settlement of the controversy between the parties. It shall bind all parties. Copies of the award shall be given within a reasonable time to each party. An action by ordinary proceeding may be maintained by either party against the other for a failure to perform the award.

Said bill was ordered printed and referred.

By Mr. Holbrook.

H. B. No. 378. AN ACT concerning selection of chiefs of police in cities of the fourth class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 95.720 of the Kentucky Revised Statutes is amended to read as follows:

The chief of police of any city of the fourth class shall be elected for a term of two years by the voters of such city at the regular election for mayor of such city; Provided, that the first elections of police chiefs shall be at the election for mayor of such city next after expiration of the terms of chiefs of police in office upon the effective date of this subsection.

Said bill was ordered printed and referred.

COMMITTEE REPORTS

Mr. C. J. Barnum, Chairman of the Committee on Cities of the First Class, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 41. AN ACT relating to the creation and establishment of public road districts in counties containing cities of the first class and in cities of the sixth class located in counties containing cities of the First Class.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

CALENDAR

The House took up for consideration from the Calendar, bills of the following titles, viz:

S. B. No. 12. AN ACT relating to real estate brokers and salesmen.

H. B. No. 331. AN ACT relating to annual financial statements by public officers.

H. B. No. 330. AN ACT relating to fees of County Judges.

H. B. No. 332. AN ACT relating to the fees of court commissioners and receivers.

H. B. No. 312. AN ACT relating to traffic regulations and equipment of vehicles.

S. B. No. 87. AN ACT to amend sub-section (c) of section 3 of Senate Bill No. 1, passed by the General Assembly of the Commonwealth of Ky. at its extraordinary session, 1951, and declaring an emergency to exist.

S. B. No. 86. AN ACT relating to the powers of the governing bodies of the state institutions of higher education, the limitations on salaries payable, and related matters.

S. B. No. 63. AN ACT relating to rules of pleading, practice and procedure, and the forms thereof in civil actions and with limited application, in criminal proceedings.

S. B. No. 80. AN ACT relating to the compensation of Judges and commissioners of the Court of Appeals, and making an appropriation therefor.

S. B. No. 82. AN ACT relating to liquefied petroleum gas.

S. B. No. 113. AN ACT relating to Education.

H. B. 175. AN ACT concerning equipment of vehicles.

H. B. No. 308. AN ACT changing the classification of the City of Shively, in Jefferson County, Kentucky.

H. B. No. 133. AN ACT relating to the authority of peace officers concerning height, length, width and weight limits of motor trucks, semi-trailer trucks and trailers.

H. B. No. 225. AN ACT relating to the State Fair Board, repealing Subsection (2) of Section 247.170 of the KRS.

H. B. No. 307. AN ACT relating to persons in connection with the taking, recording and transcribing of evidence or judicial proceedings in counties of 150,000 or more, including but not limited to provisions concerning the compensation and fees of such persons and amending and re-enacting KRS 28.440.

S. B. No. 106. AN ACT concerning Commonwealth's attorneys, assistant Commonwealth's attorneys, district detectives and stenographers.

H. B. No. 60. AN ACT relating to the licensing of motor vehicles.

H. B. No. 125. AN ACT relating to common schools with particular reference to entrance age requirements.

S. B. No. 85. AN ACT relating to control of Black Shank and other diseses of tobacco and to appropriate money for that purpose.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 39. AN ACT relating to public library service and making an appropriation therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. For promoting, aiding and equalizing public library

service in Kentucky, particularly in rural areas, there is hereby appropriated out of the General Expenditure Fund of the State Treasury, to the Library Extension Division of the Department of Library and Archives, the sum of $50,000 for the fiscal year 1952-53, and $60,000 for the fiscal year 1953-54, which fund shall be known as the Public Library Service Fund.

2. Any funds appropriated for the promotion, aiding and equalizing of public library service shall be administered by the Library Extension Division of the Department of Library and Archives, which body shall frame by-laws, rules and regulations for the allocation and administration of said funds. The funds so appropriated shall be expended for aiding in the establishment, extension and development of local public library facilities (exclusive of library buildings, equipment and furniture) through the purchase of books or bookmobiles, through technical assistance, educational and promotional programs, and such other methods and services as will best accomplish the purpose.

3. To the extent of funds available, grants shall be made to counties appling for state aid, in the order in which they meet the requirements established by the Library Extension Division. Grants-in-aid thus provided shall not exceed $5,000 to any county. Each county receiving a state grant shall expend from local funds, for county-wide public library service during the years for which aid is received a sum equal to at least 5% of the amount received from state funds; the ratio of matching to be based on local financial ability as determined by the assessed valuation of the county.

4. The fund appropriated under this act shall be separate and apart from the appropriation to the general fund of the Library Extension Division, which fund shall not be affected by this Act or appropriation hereunder.

5. It is the intention of this Act to add to the public library service given by local communities and not to relieve such communities of their responsibilities.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Thomas R. Duncan	Jennings Kearby
Dr. John Adkins, Jr.	R. L. Dunigan	James W. Lambert
Henry Arrowood	Jack Early	Jesse H. Lawrence
J. Everett Bach	Harold Edwards	Paul M. Lewis
Sidney Baer	William Engle	Harry K. Lowman
John Rhea Banton	Roscoe Estep	William Maglinger
Clarence J. Barnum	Wm. P. Friedlander	Tom Mobley
Owen Billington	Henry J. Giles	Robert H. Moore
Wm. W. Blanton	Chas. M. Greene	Walter R. Moorman
R. O. Blevins	Henry C. Hale	Fred H. Morgan
J. C. Bradley	Eugene B. Hancock	Earl F. Murphy
Ed. T. Breathitt	George F. Harris	Thomas J. Murphy
Edward O. Bridgers	John Head	Bart N. Peak
Thomas L. Britton	Farmer Helton	Louis T. Peniston
Alex H. Calvert	William K. Henry	Hobart Rayburn
Walter J. Chyle, Jr.	Thomas D. Hewlett	Tipton Reed
Marvin A. Cornett	Henry R. Heyburn	Earl Rogers
R. Josh Cosby	E. R. Hilton	Joe Rouse
Charles M. Crowe	Chester J. Holsclaw	Carl J. Ruh
J. C. Denney, Jr.	William M. Horn	Amos Runyon
C. E. Dowell	Paul S. Jonas	Cecil Sanders
Jas. A. Dressman, Jr.	William L. Jones	Clem Schroader

Gus F. Sheehan, Jr.	Albert Thomason	Hicks Wells
John A. Sloan	William F. Threlkeld	W.A.(Pete)Wickliffe
E. A. Spencer	J. B. Veech	Charles W. Wirsch
Mrs. Thelma Stovall	Eulick (Mike) Walsh	Walker H. Wiseman
E. H. (Ted) Stumbo	Wm. Thos. Wathen	Garrett L. Withers
Egbert V. Taylor	L. M. Weathers	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill delivered to the Senate.

The House took up from the Orders of the Day, a bill of the following title, viz:

H. B. No. 20. AN ACT relating to district detectives.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 69.110 of the Kentucky Revised Statutes is amended to read as follows:

(2) In counties containing a city of the second class the Commonwealth's attorney shall, and in counties not containing a city of the second class but containing a population of 40,000 or more persons may, if the fiscal court of such county concurs therein, appoint a district detective having a term of four years subject to removal at any time by the Commonwealth's Attorney. District detectives authorized herein may receive an annual salary of not less than $1,800, nor more than $3,600, to be paid out of the county levy in equal monthly installments.

The Committee to which said bill had been referred the following amendment by way of Committee Substitute, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 69.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) In counties having a population of 150,000 or more the Commonwealth's attorney shall appoint four district detectives for a term of four years subject to removal at any time by the Commonwealth's attorney. The district detectives shall each be paid a salary of $2,800 annually, paid out of the county levy in equal monthly installments.

(2) In counties containing a city of the second class the Commonwealth's attorney shall appoint a district detective for a term of four years subject to removal at any time by the Commonwealth's attorney. He shall receive an annual salary of not less than $1,800, nor more than $3,600, to be paid out of the county levy in equal monthly installments.

(3) The detectives appointed pursuant to sub-sections (1), (2) or (5) of this section shall have the same powers of arrest and right to execute process as sheriffs have. They shall assist the Commonwealth's attorney in all matters pertaining to his office in the manner he designates and shall assist him in the preparation of all criminal cases in circuit court by investigating the evidence and facts connected with such cases.

(4) In counties containing a city of the first class the fiscal court may authorize the payment out of the county treasury of sums sufficient to reimburse the district detectives for expenses incurred for gasoline and motor oil used in the performance of their official duties, and may prescribe the amount, manner and conditions of payment.

(5) In counties containing a population of 40,000 or more persons but not containing a city of the second class, the Commonwealth's attorney may, if the fiscal court concurs therein, appoint a district detective having a term of four years subject to removal at any time by the Commonwealth's attorney. Such district detectives may receive an annual salary of not less than $1,800 nor more than $3,600.

Mr. Hale moved the adoption of Committee Substitute to H. B. No. 20.

Said motion was agreed to.

Said amendment was adopted by way of Committee Substitute.

Mr. Hale moved the Previous Question.

Whereupon, the Speaker announced, "shall the Main Question be now put?"

Ordered that said bill be engrossed and read at length for the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	J. C. Denney, Jr.	Chester J. Holsclaw
J. Everett Bach	C. E. Dowell	William M. Horn
John Rhea Banton	Jas. A. Dressman, Jr.	Paul S. Jonas
Clarence J. Barnum	Thomas R. Duncan	Jennings Kearby
Owen Billington	Jack Early	Jesse H. Lawrence
Wm. W. Blanton	Harold Edwards	Paul M. Lewis
R. O. Blevins	William Engle	Harry K. Lowman
J. C. Bradley	Wm. P. Friedlander	William Maglinger
Ed. T. Breathitt	Chas. M. Greene	Shelby McCallum
Edward O. Bridgers	Henry C. Hale	Tom Mobley
Thomas L. Britton	Eugene B. Hancock	Robert H. Moore
Alex H. Calvert	John Head	Walter R. Moorman
Walter J. Chyle, Jr.	William K. Henry	Earl F. Murphy
Marvin A. Cornett	Thomas D. Hewlett	Thomas J. Murphy
R. Josh Cosby	Henry R. Heyburn	Ewin C. Neville
Charles M. Crowe	Ray Holbrook	Bart N. Peak

Louis T. Peniston	Gus F. Sheehan, Jr.	Eulick (Mike) Walsh
Hobart Rayburn	John A. Sloan	Wm. Thos. Wathen
Tipton Reed	E. A. Spencer	L. M. Weathers
Earl Rogers	Mrs. Thelma Stovall	Hicks Wells
Carl J. Ruh	E. H. (Ted) Stumbo	W.A.(Pete)Wickliffe
Amos Runyon	Egbert V. Taylor	Charles W. Wirsch
Cecil Sanders	Albert Thomason	Walker H. Wiseman
Clem Schroader	J. B. Veech	Garrett L. Withers

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Friedlander moved that Robin Lynn Stratford by made an Honorary Page of the General Assembly for the 1952 Session.

Said motion was agreed to.

Mr. Peak moved that South Gregory of Versailles, Kentucky, be made an Honorary Page of the General Assembly for the 1952 Sesstion.

Said motion was agreed to.

Mr. Weathers moved that Anita Jo Adkins and Randall Lee Adkins be made Honorary Pages of the General Assembly for the 1952 Session.

Said motion was agreed to.

Mr. Bach moved that Mary Lou Hubbard be made an Honorary Page of the General Assembly for the 1952 Session.

Said motion was agreed to.

Mr. Hicks Wells moved that Donald D. Edwards of Depoy, Kentucky, be made an Honorary Page of the General Assembly for the 1952 Session.

Mr. Lowman moved that the House do now adjourn to meet again at 1:00 o'clock p.m., Tuesday, February 19, 1952.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, FEBRUARY 19, 1952

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House opened with prayer with Father O'Dwyer, Church of the Good Shepherd, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bill Adams	Wm. P. Friedlander	Earl F. Murphy
Dr. John Adkins, Jr.	Leslie Gay	Thomas J. Murphy
Henry Arrowood	Henry J. Giles	Ewin C. Neville
J. Everett Bach	Chas. M. Greene	Bart N. Peak
Sidney Baer	Henry C. Hale	Louis T. Peniston
John Rhea Banton	Eugene B. Hancock	
Clarence J. Barnum	George F. Harris	Hobart Rayburn
Owen Billington	John Head	Tipton Reed
Wm. W. Blanton	Farmer Helton	J. F. Robinson
R. O. Blevins	William K. Henry	Earl Rogers
J. C. Bradley	Thomas D. Hewlett	Joe Rouse
Ed T. Breathitt	Henry R. Heyburn	Carl J. Ruh
Edward O. Bridgers	E. R. Hilton	Amos Runyon
Thomas L. Britton	Ray Holbrook	Cecil Sanders
Alex H. Calvert	Chester J. Holsclaw	Clem Schroader
Walter J. Chyle, Jr.	William M. Horn	Gus F. Sheehan, Jr.
Lewis W. Combest	Paul S. Jonas	Dr. B. F. Shields
Marvin A. Cornett	William L. Jones	John A. Sloan
R. Josh Cosby	Jennings Kearby	E. A. Spencer
Charles M. Crowe	James W. Lambert	Mrs. Thelma Stovall
J. C. Denney, Jr.	Jesse H. Lawrence	E. H. (Ted) Stumbo
C. E. Dowell	Paul M. Lewis	Egbert V. Taylor
James A. Dressman, Jr.	Harry K. Lowman	Albert Thomason
Thomas R. Duncan	William Maglinger	William F. Threlkeld
R. L. Dunigan	Shelby McCallum	Marion Vance
Jack Early	Russell L. Meadows	J. B. Veech
Harold Edwards	Tom Mobley	Eulick (Mike) Walsh
William Engle	Robert H. Moore	Wm. Thos. Wathen
Roscoe Estep	Walter R. Moorman	L. M. Weathers
Herbert Fern	Fred H. Morgan	Morris Weintraub

Hicks Wells	Charles W. Wirsch	Charles W. Burnley,
William B. Wells	Walker H. Wiseman	Speaker
W.A.(Pete)Wickliffe	Garrett L. Withers	

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Mr. Baer moved that the absentees be granted a leave of absence.

Said motion was agreed to.

The asbsentees were as follows, viz: Mrs. Mary E. Burnet, Mrs. J. T. Linton and W. W. Webster.

Mr. Barnum moved that the reading of the Journal of the proceedings of Monday, February 18, 1952, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Weintraub moved that Jerry Dunn, of Franklin, Kentucky, be made an Honorary Page of the General Assembly for the 1952 Session.

Said motion was agreed to.

Mr. Horn moved that Ann Taylor Morison of Frankfort, Kentucky be made an Honorary Page of the General Assembly for the 1952 Session.

Said motion was agreed to.

Mr. Wirsch moved that the House do now recess for twenty minutes for the purpose of the Minority Party to have a meeting.

Said motion was agreed to.

And then the House recessed.

The twenty minutes having expired, the Speaker resumed his Chair, and called the House to order.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and a resolution of the following titles were introduced, viz:

By Mr. Withers.

H. Res. No. 42. A JOINT RESOLUTION refunding illegal

taxes collected by the Commonwealth of Kentucky from F. M. Tapp and Company.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Commissioner of Finance of the Commonwealth of Kentucky secure from the Department of Revenue of the Commonwealth the exact amount collected by the Department of Revenue from F. M. Tapp and Company of Dixon and Providence, Kentucky, under the illegal Chain Store Tax Act, and that the Commissioner of Finance issue warrant directing the Treasurer of the Commonwealth of Kentucky to pay F. M. Tapp and Company the exact sum, to-wit: $412.80 paid in by it under said unconstitutional Act.

Said resolution was ordered printed and referred.

By Mr. Rayburn, and Shields.

H. B. No. 379. AN ACT relating to animals and poultry used for food.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) No hog, sheep, lamb, goat, calf, beef or other animal to be used for food shall be butchered without first being shot or stunned, and no poultry shall be killed except by having their heads chopped off or by use of an instantaneous poultry-killer.

(2) In the transportation of food animals to market, there shall be no overcrowding of the vehicle and no inside projections which may cause bruising of the animals. To prevent the tramping of the smaller animals, they shall be separated from the larger ones by partitions; bulls must be tied; there must be adequate bedding to prevent slipping and falling; calves must not be transported until large enough to eat and drink; and sheep must not be lifted by their wool. All such animals must be loaded and unloaded carefully and without beating, clubbing or kicking;

employes of livestock yards shall use no whips, clubs or prods, a wide slapper of leather being the only such equipment permitted.

Section 2. All peace officers of this state shall enforce the provisions of this Act.

Section 3. Any person who violates any of the provisions of section 1 of this Act shall be fined not less than twenty-five dollars nor more than two hundred dollars, or imprisoned for not more than thirty days, or both.

Said bill was ordered printed and referred.

By Mr. Burnley and Morgan.

H. B. No. 380. AN ACT relating to operation of school busses.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Any person who operates a school bus for the transportation of any passengers other than school children shall, at the time of such operation, completely cover the words "SCHOOL BUS," wherever they appear on the bus, with a bright red cover, and shall not use the movable "STOP" sign customarily located on the left side of a school bus.

(2) Any person violating the provisions of subsection (1) shall be fined not less than twenty-five dollars nor more than one hundred dollars. Each time passengers are transported without compliance with the provisions of subsection (1) shall constitute a separate offense.

Said bill was ordered printed and referred.

COMMITTEE REPORTS

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 13. AN ACT concerning the practice of chirpody.
With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

S. B. 115. AN ACT relating to compensation and maintenance of persons performing public services in positions requiring the services of a physician.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

S. B. 50. AN ACT relating to the licensing, inspection, and regulation of hospitals, public health centers, nursing and convalescent homes and all institutions for the care of the sick.

With the expression of opinion that same should pass with committee amendment as follows:

Amendment 1—On page 12, section 6, line 198 and 199—By striking therefrom the words: "and no person shall be denied care solely because of race, creed or color." and substituting in lieu thereof the words: "and no person shall be denied emergency care solely because of race, creed or color."

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 48. AN ACT imposing a penalty for removing or altering numbers on farm tractors or other units of farm equipment or machinery, amending Section 433.640 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 280. AN ACT relating to the use of professional titles.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

S. B. 138. AN ACT relating to the condemnation of property for construction, reconstruction, and maintenance of highways and bridges and facilities related thereto, and repealing KRS 177.075.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 137. AN ACT relating to the diagnosis treatment or correction of all human conditions, ailments, diseases, injuries or infirmities, including the regulation and control of the practice of medicine and oseteopathy and the sale of related medicines instruments, apparatus, mechanisms and appliances.

With the expression of opinion that same should pass with committee amendments as follows:

Amendment No. 1—On Page 1—By striking the title of House bill No. 137 and substituting in lieu thereof the follow-

ing: "AN ACT relating to the practice of medicine and osteopathy."

Amendment No. 2—On Page 2, section 1, subsection 8, line 21—By inserting immediately after the words "Christian Science," the words "the practice of chiropody as defined in KRS 311.380,".

Amendment No. 3—On Page 3, section 2, lines 2, 3 and 4—By striking the comma at the end of line 2 thereof and by striking from lines 3 and 4 thereof the words "and the sale of those items enumerated in subsection (2) of section 4,"

Amendment No. 4—On Page 22, section 17, subsection 1, line 5—By striking the words "either of sections 3 or 4" and inserting in lieu thereof the words "section 3".

Amendment No. 5—On Page 22, section 17, subsection 1, lines 1 and 2,—By striking at the end of line 1 and the beginning of line 2 the words "or section 4".

Amendment No. 6—On Page 4, section 4, lines 1 to 19, inclusive—By striking all of Section 4, lines 1 to 19, inclusive.

Amendment No. 7—On Page 23, section 18, line 2—By striking the figures "311.250" and substituting in lieu thereof the figures "311.270".

Amendment No. 8—On Page 23, section 18, line 2—By striking at the end of said line the word "to" and substituting in lieu thereof the words ", (4) and".

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 159. AN ACT relating to the offering and paying of rewards for the apprehension and conviction of persons guilty of stealing cattle or other domestic animals.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

S. B. 140. AN ACT relating to a Department of Mental Health, and its establishment, organization, personnel, powers, duties, functions, funds and facilities, including provisions for the transfer of functions, funds and facilities from other state departments or agencies.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 144. AN ACT relating to public health.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Chester J. Holsclaw, Chairman of the Committee on Ways and Means, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 43. AN ACT to amend KRS 74.020 to authorize an increase in the salaries of water district commissioners.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Chester J. Holsclaw, Chairman of the Committee on Ways and Means, to which same had been previously referred, reported a bill of the following title, viz:

S. B. 103. AN ACT concerning enforceability of contracts

of infants executed to obtain benefits of federal law providing for the making or guaranteeing of loans to war veterans.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Chester J. Holsclaw, Chairman of the Committee on Ways and Means, to which same had been previoulsy referred, reorted a bill of the following title, viz:

S. B. No. 38. AN ACT relating to mechanics' and materialmen's liens.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Chester J. Holsclaw, Chairman of the Committee on Ways and Means, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 221. AN ACT relating to water districts.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length fo rthe first time and

Ordered placed in the calendar.

Mr. Chester J. Holsclaw, Chairman of the Committee on Ways and Means, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 172. AN ACT relating to persons handicapped as a result of cerebral palsy, poliomyelitis, muscular dystrophy or spina bifida.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section I. The Department of Health shall establish and maintain services and facilities, including hospital-schools, for

the care and education of physically handicapped but educable persons and provide in connection therewith medical and nursing care, and academic, occupational, recreational and related training for such persons.

Section II. Any Kentucky resident who is educable but so severely handicapped as a result of cerebral palsy, poliomyelitis, muscular dystrophy, spina bifida, or other severe or chronic physically handicapping conditions may be admitted to the hospital-schools or be entitled to services and facilities provided therein. For the purposes of this Act, a Kentucky resident is defined as any person who is residing in the State and has maintained a residence therein for a period of one (1) year or more continuously prior to application for admission to a hospital-school or for the benefit of services or facilities.

Section III. Persons shall be admitted to the hospital-schools or be eligible for said services or facilities only after diagnosis according to procedures approved for this purpose. The Advisory Board hereinafter provided for shall establish the diagnostic procedure for such admission.

The Department of Health shall avail itself of the services of other public or private commissions or agencies in determining any person's eligibility for admission to, or discharge from, the hospital-schools or such services and facilities and the type of care or treatment which should be rendered.

Section IV. The Department of Health shall call upon other Departments, Agencies or Commissions of the State for such services as they are equipped to render in the care of physically handicapped persons, and such Departments, Agencies or Commissions must render those services which are consistent with their legal and administrative responsibilities.

Section V. The Department of Health is authorized to accept, for the benefit or of such hospital-schools, gifts, devises, or bequests of property, real or personal, including grants from the federal government. The Department may exercise such powers with reference to the management, sale, disposition, investment or control of property so given, devised, or bequeathed as may be deemed essential to its preservation and the purpose

for which made. No contribution or grant shall be received or accepted if any condition is attached as to its use or administration other than it be used for aid to such hospital-schools as herein provided for.

Section VI. Persons found eligibile for treatment or care in a hospital-school, or for the services and facilities rendered therein may be placed in already existing hospitals or schools, provided that such hospital or school meets the requirements of and is approved by the Advisory Board. The Department of Health may pay for treatment, care, training, board, clothing and other necessities for any person so treated or cared for.

Section VII. There is created an Advisory Board which will consist of 15 persons and which shall be appointed by the Governor. The Advisory Board shall be composed at all times of 5 persons who are connected with official professional Agencies concerned with the care or training of severely physically handicapped persons; 5 persons who are afflicted with a severely or chronically physically handicapping diseases or who are parents of such a physically handicapped person; and 5 persons who are members of the general public.

In appointing the first board the Governor shall appoint five members to serve one, five members to serve two years and five members to serve three years. All members appointed thereafter shall be appointed for terms of three years, except when an appointment is made to fill a vacancy, in which case the appointment shall be made by the Governor for the remaining term of the position vacant.

The Advisory Board from time to time shall make recommendations to the Department of Health concerning the hospital-schools and the facilities and services provided herein.

The members of the Advisory Board shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the administration of this Act. The Advisory Board shall elect its own chairman, establish rules of procedure consistent with this Act, and shall keep a record of all matters transpiring at all meetings. The Board shall hold regular meetings at least four times each year. Special meetings

shall be held at the call of the chairman or any three members of the Board. All matters coming before the Board shall be decided by a majority vote of those present at any meeting.

Section VIII. The Superintendent of Public Instruction shall have the responsibility for supervision of the educational program offered by the Hospital-Schools to the same extent and in the same manner as he supervises the educational programs of public schools in this State.

Section IX—The Department of Health shall make all rules necessary for the administration of this Act, provided that such rules and regulations shall not be effective unless and until approved by the Advisory Board. The Board shall promptly review and act upon any rules or regulations promulgated by the Department and submitted to it for approval.

Section X. The sum of $750,000 is appropriated from the General Fund to the Department of Health for the purpose of carrying out the provisions of this Act.

With Committee amendment thereto, by way of substitute, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Department" shall mean the Department of Health;

(2) "Commissioner" shall mean the Commissioner of Health;

(3) "Physically handicapped person" shall mean a person who is severely handicapped as a result of cerebral palsy, poliomyelitis, muscular dystrophy, or spina bifida;

(4) "Educable person" shall mean a physically handicapped person, as defined above, who is determined by the Department to be capable of receiving and benefitting from the services and facilities provided by this Act;

(5) "Funds" shall mean all moneys received by the department from all persons, corporations, associations, organiza-

tions, and state or federal government agencies, specifically designated to be used for furnishing facilities and services for educable persons; provided, however, that no moneys appropriated to the department by the General Assembly of this Commonwealth shall be considered to have been appropriated for establishing, providing or maintaining services or facilities for educable persons, unless the Act appropriating such moneys expressly so provides.

Section 2. The purpose of this Act is to provide for the acceptance, custody and use, by the Commonwealth of Kentucky, of funds and properties that may be given, granted, contributed, donated, bequeathed, devise and conveyed for the hospitalization, training, education and care of physically handicapped persons, including grants that may be made for said purposes by the government of the United States of America.

Section 3. To the extent that funds are made available, the department may establish, provide and maintain facilities and services, including hospital-schools and related medical and nursing care, and vocational, academic and recreational training, instruction and education, for physically handicapped persons who are, in the judgment of the department, found to be educable after examination and diagnosis conducted in accordance with procedures prescribed by the department.

Section 4. (1). The commissioner may, from the funds available, employ, by contract or otherwise such medical, clinical, technical and other personnel that he deems necessary to effectuate the purposes of this Act, and fix and pay their compensation and necessary traveling expenses.

(2) The commissioner may, from the funds available, procure, by purchase or lease or otherwise, such property, equipment, services, facilities and supplies that he deems necessary to effectuate the purposes of this Act.

(3) The commissioner is authorized to accept, on behalf of the Commonwealth of Kentucky, all gifts, donations, contributions, grants, devises, bequests and conveyances of real and personal property for establishing, providing and maintaining the services and facilities described in section 3 of

this Act, subject only to the condition that same shall be devoted to and used for said purposes. All funds received by the commissioner shall be deposited in the State Treasury and credited to a trust and agency fund account and expended only for purposes authorized by this Act.

(4) The commissioner may make and issue all necessary rules and regulations to carry out this Act; provided, however, that no educable person shall be eligible for any benefits hereunder unless he is, and has been continuously for at least twelve months immediately preceding the date of his application therefor, an actual resident of this state.

(5) The commissioner may delegate to any division of the department, or to any director thereof, any and all of his authority and duties hereunder.

(6) Upon request of the commissioner, approved in writing by the Governor, any department, agency or commission of the Commonwealth shall furnish without cost to the department such services, facilities and assistance as are available and, in the judgment of the commissioner and the Governor, required, to effectuate the purposes of this Act or its administration which is hereby vested in the department.

With the expression of opinion that same should pass by way of Committee substitute.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Louis T. Peniston, Chairman of the Committee on Courts and Legal Procedure, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 299. AN ACT relating to the settlement of the estates of deceased persons, amending section 428 of Carroll's Kentucky Civil Code of Practice.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Louis T. Peniston, Chairman of the Committee on Courts and Legal Procedure, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 335. AN ACT relating to the recording of written instruments.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Louis T. Peniston, Chairman of the Committee on Courts and Legal Procedure, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 306. AN ACT concerning distribution of personal property of persons who die intestate.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Louis T. Peniston, Chairman of the Committee on Coourts and Legal Procedure, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 328. AN ACT relating to destruction of certain county court records.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Ray Holbrook, Chairman of the Committee on Veterans' Legislation and Military Affairs, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 188. AN ACT relating to the Kentucky Disabled Ex-Service Men's Board amending Section 36.060 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Louis T. Peniston, Chairman of the Committee on Courts and Legal Procedure, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 314. AN ACT concerning the crime of willful murder.

With the expression of opinion that same should not pass.

No motion having been made to give said bill a first reading, the report of the committee to the contrary notwithstanding, it was ordered that said bill be not read the first time, and

So said bill was rejected.

CALENDAR

The House took up for consideration from the Calendar, a bill of the following title, viz:

S. B. No. 41. AN ACT relating to creation and establishment of public roads in districts in counties containing first class cities.

SENATE MESSAGE

A message was received from the Senate that they had passed bills originating in that body, of the following titles, viz:

S. B. No. 147. AN ACT relating to the control and serpression of air pollution; creating an air pollution control district in each county of the Commonwealth; etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. As used in this chapter, unless the context requires otherwise:

(a) "Legislative Body" means the chief legislative body of the City, whether it is the Board of Aldermen, General Council, Board of Commissioners, or otherwise.

(b) "Air Contaminant" or "Air Contaminants" includes

smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gasses, odors, or particulate matter, or any combination thereof.

(c) "District" means an air pollution control district.

(d) "Person" means any individual, firm, co-partnership, joint adventure, association, corporation, social club, fraternal organization, estate, trust, receiver, syndicate, any county, city, municipality, district (for air pollution control or otherwise), or other political subdivision, or any group or combination acting as a unit, and the plural as well as the singular unit.

(e) "Ringelmann Chart" means that standard published by the United States Bureau of Mines to determine the density of smoke.

ARTICLE I

CREATION OF DISTRICTS

SECTION 2. In each county of the Commonwealth there is hereby created an air pollution control district.

SECTION 3. The boundaries of every air pollution control district shall be coextensive with the boundaries of the county within which it is situated.

SECTION 4. An air pollution control district shall not transact any business or exercise any of its powers under this chapter until or unless the fiscal court of the county within which such district is situated, by proper resolution, declares at any time hereafter that there is need for an air pollution control district to function in such county, Provided:

In any county containing a city of the first or second class, it shall also be necessary, before the district of such county is qualified to transact any business or exercise any of its powers under this chapter, that the legislative body of such city, by proper ordinance, declare, at any time after the aforementioned resolution has been made by the fiscal court of such county, that there is need for an air pollution control district to function in such city.

SECTION 5. The fiscal court of any county desiring to

place its air pollution control district in operation and the legislative body of a city of the first or second class in such county must hold separate public hearings prior to and for the purpose of determining whether or not there is need for an air pollution control district to function.

SECTION 6. Notice of the time and place of such public hearing shall be given by the body conducting the hearing by publication at least once in a newspaper of general circulation within the district not less than fifteen days nor more than forty-five days before such hearing. If no newspaper of general circulation is published within the district, notice shall be given of the time and place of public hearing by posting in a public place not less than ten days before such hearing.

SECTION 7. The fiscal court may adopt a resolution declaring that there is need for an air pollution control district to function if from the evidence received at such public hearing it finds:

(1) That the air within such county is so polluted with air contaminants as to be injurious to health, or an obstruction to the free use of property, or offensive to the senses of a considerable number of persons, so as to interfere with the comfortable enjoyment of life or property.

(2) And further that for any reason it is not practical to rely upon the enactment or enforcement of local ordinances to prevent or control the emission of smoke, fumes, or other substances which cause or contribute to such pollution.

SECTION 8. The legislative body of a city of the first or second class may adopt an ordinance declaring that there is need for an air pollution control district to function if from the evidence received at such public hearing it finds:

(1) That the air within such city is so polluted with air contaminants as to be injurious to health, or an obstruction to the free use of property, or offensive to the senses of a considerable number of persons, so as to interfere with the comfortable enjoyment of life or property.

(2) And further that for any reason it is not practical to rely upon the enactment or enforcement of local ordinances to prevent or control the emission of smoke, fumes, or other substances which cause or contribute to such pollution.

SECTION 9.

(1) A resolution of the fiscal court declaring that there is need for an air pollution control district to function is sufficient if it finds that there is need for an air pollution control district to function, and finds in substantially the wording of Section 7 of this chapter that both the conditions enumerated therein exist. No further detail is necessary.

(2) An ordinance of the legislative body of a city of the first or second class declaring that there is need for an air pollution control district to function is sufficient if it finds that there is need for an air pollution control district to function, and finds in substantially the wording of Section 8 of this chapter that both the conditions enumerated therein exist. No further detail is necessary.

SECTION 10. A copy of a resolution of the fiscal court declaring that there is need for an air pollution control district, duly certified by the county clerk, is admissible in evidence in any suit, action or proceeding.

SECTION 11. A copy of an ordinance of the legislative body of a city of the first or second class declaring that there is need for an air pollution control district, duly certified by the clerk of such legislative body, is admissible in evidence in any suit, action or proceeding.

SECTION 12. The district shall be known by and under the name of Air Pollution Control District of————————County, and under such name shall be a public body corporate and a political subdivision of the Commonwealth.

SECTION 13.

(1) Upon the adoption of the resolution by the fiscal court of the county in which the district is to function, and, where necessary pursuant to Section 4 of this chapter, the passage of

the ordinance by the legislative body of a city of the first or second class within such county, the district shall immediately begin to function.

(2) After the adoption of the resolution of the fiscal court of the county in which the district is to function, and, where necessary pursuant to Section 4 of this chapter, the passage of the ordinance by the legislative body of a city of the first or second class within such county, the regular activation and organization of the district shall be finally and conclusively established against all persons except the Commonwealth of Kentucky upon suit commenced by the Attorney General. The activation and organization of said district shall not be directly or collaterally questioned in any suit, action or proceeding instituted by any other person.

SECTION 14.

(1) The district shall have power to sue and be sued, contract and be contracted with, make rules and regulations and do all other things necessary to carry out the provisions of this chapter.

(2) The district shall have the power to take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the district necessary to the full exercise of its powers. It shall also have the power to lease, sell or dispose of any property or any interest therein whenever in the judgment of the air pollution control board such property, or any interest therein, or part thereof, is no longer required for the purposes of the district, or may be leased for any purpose without interfering with the use of the same for the purposes of the district, and to pay any compensation received therefor into the general fund of the district.

ARTICLE II

OFFICERS

SECTION 15.

(1) The members of the fiscal court of a county shall be, and they are hereby designated as, and empowered to act as,

ex officio the air pollution control board of the air pollution control district in such county.

(2) All county officers, their assistants, clerks, deputies and employees, and all other county employees shall be ex officio officers, assistants, deputies, clerks and employees respectively of the air pollution control district in the county in which they are employed. Except as otherwise provided in this chapter, they shall perform respectively the same various duties for the air pollution control district as for the county without additional compensation, in order to carry out the provisions of this chapter.

(3) The provisions of this section shall not be applicable to any county containing a city of the first or second class.

SECTION 16.

(1) In a county containing a city of the first or second class, the air pollution control board of the air pollution control district shall consist of seven members, three of whom shall be appointed by the County Judge, subject to the approval of the fiscal court, and four of whom shall be appointed by the Mayor of the city of the first or second class within such county. The Mayoral appointments shall be subject to the approval of the legislative body of the city.

(2) The Mayor shall appoint, subject to the approval of the legislative body of the city, one member for a term of one year, one member for a term of two years, one member for a term of three years, and one member for a term of four years, and the County Judge, subject to the approval of the fiscal court, shall appoint one member for a term of two years, one member for a term of three years, and one member for a term of four years, and upon the expiration of each of said terms respectively, and thereafter, the term of each of such members shall be four years, and until their successors are appointed and qualified.

(3) All air pollution control board members appointed pursuant to this section must be freeholders within the district; those appointed by the County Judge must be residents of such county, and those appointed by the Mayor must be residents of such city.

(4) Not more than four of the seven board members appointed pursuant to this section shall be of the same political party affiliation, nor shall an officer or employee of such city or county, whether holding a paid or unpaid position, be eligible for appointment to the board.

(5) A member of the air pollution control board is eligible to succeed himself. A vacancy in the membership shall be filled by an appointee of the Mayor or of the County Judge as the case may be, for the unexpired portion of the term. An appointee to a vacancy shall have the same qualifications as any regularly appointed member.

(6) Any member of the board appointed by a Mayor may be removed, for cause, after a hearing, by the legislative body of such city, and after ten days notice in writing shall have been given to the member, which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The finding of the legislative body shall be final and removal results in vacancy in such office.

(7) Any member of the board appointed by a County Judge may be removed, for cause, after a hearing, by the Fiscal Court of such County, and after ten days notice in writing shall have been given to the member, which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The finding of the Fiscal Court shall be final and removal results in vacancy in such office.

(8) As used in this section "Mayor" means the chief executive of the city whether the official designation of his office is Mayor, City Manager, or otherwise.

SECTION 17. All air pollution control board members shall serve without compensation other than recovery of actual expenses from the district funds.

SECTION 18.

(1) Regular meetings of each air pollution control board shall be held at least once in each calendar month. The time and place of the meetings shall be fixed by the board.

(2) A majority of the members of the board shall constitute a quorum for the purpose of conducting business and exercising powers and for all other purposes. The affirmative vote of at least a majority of the membership of the board shall be necessary for the adoption of any motion, measure, or resolution, unless in any case the by-laws of the board require a larger number.

SECTION 19.

(1) In a county containing a city of the first or second class, the air pollution control board shall, in July of each year, elect from its members a chairman and a vice chairman who shall be of different political party affiliation. The board shall employ a competent Secretary-Treasurer and an air pollution control officer, neither of whom shall be a member of the board. The Secretary-Treasurer and the air pollution control officer shall each devote his entire time and attention exclusively to the services of the board.

(2) The air pollution control officer shall be an engineer by profession, and shall be a graduate of a recognized university or college and shall be thoroughly familiar with the theory and practice of the construction and operation of furnaces and combustion devices, or in the theory of the prevention and control of air pollution.

(3) The Secretary-Treasurer and the air pollution control officer may be removed by the board, for cause, after hearing by it and after at least ten days notice in writing shall have been given to the Secretary-Treasurer or the air pollution control officer, as the case may be, which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The finding of the board shall be final.

(4) The board may provide for assistants, deputies, clerks, attaches, and other persons to be employed by the Secretary-Treasurer and the air pollution control officer, and the times at which they shall be appointed.

SECTION 20.

(1) In all counties other than those provided for in Section 19, the air pollution control board of the air pollution control

district may appoint an air pollution control officer, and may provide for assistants, deputies, clerks, attaches and other persons to be employed by the air pollution control officer, and the times at which they shall be appointed.

(2) An air pollution control officer appointed pursuant to this section shall have the qualifications set forth in Section 19 of this chapter.

(3) Such air pollution control officer may be removed by the board, for cause, in the manner provided for the removal of air pollution control officers in Section 19 (3) of this chapter.

SECTION 21. The air pollution control board of any air pollution control district in the Commonwealth may employ and remove at pleasure professional and technical advisers, experts, and other employees, skilled or unskilled, as it deems requisite for the performance of its duties.

SECTION 22. An air pollution control board shall require the Secretary-Treasurer and the air pollution control officer each to execute bond, and may exact from such of its other officers and employees bonds as it may deem expedient. All such bonds shall be payable to the district in such sums as the board may fix with approved corporate surety, and premiums therefor shall be paid by the district. Such bonds shall obligate the makers thereof to faithfully perform the duties of their respective offices and positions and to fully account for and pay over all money, property or other thing of value of the district, which may come to their hands, respectively.

SECTION 23.

(1) The air pollution control board of an air pollution control district shall appoint a hearing board to consist of three members, none of whom is a member of the air pollution control board, and only two of whom may be of the same political party affiliation. Two members of the hearing board shall have been admitted to practice law in this Commonwealth. Both shall be residents and freeholders of the district. Neither shall be otherwise employed by the air pollution control district or by any other municipal corporation or political subdivision of the Com-

monwealth. The third member of the hearing board shall be an engineer by profession, and shall be a graduate of a recognized university or college and shall be thoroughly familiar with the theory and practice of the construction and operation of furnaces and combustion devices, or in the theory of the prevention and control of air pollution. The latter member shall not be otherwise employed by the air pollution control district or the air pollution control board appointing the hearing board, but may be an employee of some other political subdivision or municipal corporation of the Commonwealth. He need not reside nor own property within the district.

(2) The air pollution control board shall appoint one member of the hearing board for a term of one year, one member for a term of two years, and one member for a term of three years. Thereafter the terms of members of the hearing board shall be three years. A member of the hearing board shall be eligible to succeed himself. A vacancy in the membership shall be filled by an appointee of the air pollution control board for the unexpired portion of the term. Such an appointee shall have the same qualifications as a regularly appointed member.

(3) Any member of the hearing board may be removed by the air pollution control board, for cause, after a hearing by the air pollution control board, and after at least ten days notice in writing shall have been given to the member, which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The finding of the air pollution control board shall be final, and removal results in vacancy in such office.

SECTION 24. Any person having any interest in the sale or control of any air pollution prevention equipment or apparatus which might be used effectively to reduce the emission of air contaminants shall not be eligible to be a member of an air pollution control board or of a hearing board, or to be the Secretary-Treasurer of an air pollution control board, or an air pollution control officer, or any assistant, deputy, clerk, attache, or employee of an air pollution control officer or Secretary-Treasurer, or to be any other employee of an air pollution control board or district.

ARTICLE III

FUNCTIONING OF DISTRICT

SECTION 25. The air pollution control board is hereby declared to be the governing body of an air pollution control district, and shall manage and control all the affairs and property of such district, and shall exercise all the powers of such district not otherwise delegated by this chapter.

SECTION 26. The air pollution control board shall determine the compensation of, and pay from district funds, the Secretary-Treasurer of the air pollution control board, his assistants, deputies, clerks, attaches, and other employees, the air pollution control officer, his assistants, deputies, clerks, attaches, and other employees, the members of the hearing board, and all other employees of the air pollution control board. The salaries and compensation paid shall be in line with that paid by the county, or a city of the first or second class within the county, for similar services.

SECTION 27. In order to provide money for carrying out the purposes of this chapter, the fiscal court of a county within which the air pollution control district has been activated and the legislative body of a city of the first or second class within such county, if there be any such city, may annually appropriate funds to such district. If there be such city within the county, the appropriations shall be in such proportion as may be agreed upon between the city legislative body and the fiscal court. Such funds shall be deposited in the treasury of the air pollution control district.

SECTION 28. The fiscal year of an air pollution control board district shall begin on the first day of July of each year and end with June 30 next following.

SECTION 29. It shall be the duty of the Secretary-Treasurer of an air pollution control board of a county containing a city of the first or second class, during or before the month of May of each year to prepare and certify to the fiscal court of the county and to the legislative body of the city, for their joint consideration, a preliminary budget showing the total funds which,

in the judgment of the air pollution control board, will be needed for the various departments of the district, together with a statement showing the estimated balances, if any, which will be available on July 1 for expenditure during the next fiscal year following the certification of said statement, and also indicating, as nearly as may be possible, what additional funds or assets (other than appropriations) will be or will become available for expenditure during said year. The board shall also furnish to said fiscal court and said legislative body any other information or data available to it which said fiscal court or said legislative body may request.

SECTION 30.

(1) Prior to the first day of each fiscal year, every air pollution control board shall prepare, for its own use and guidance, a financial budget setting forth the total amounts of funds available from all sources for expenditures during the said fiscal year, and also setting forth in detail the estimated expenditures of the board and the district during said fiscal year.

(2) A contingent fund for unanticipated expenditures may be established in order to provide for such contingent and unanticipated needs as may arise during the district's said fiscal year.

SECTION 31. The air pollution control board of a county containing a city of the first or second class shall install and maintain a modern and efficient system of accounting and keep financial records. The board, however, may select and use the finance department of such city to do its financial accounting and make its disbursements in such manner as may be agreed upon by and between the board and the director of finance of said city, which work shall be done by said finance department without compensation from the board. The Auditor of Public Accounts of the Commonwealth of Kentucky, the comptroller and inspector of such city, and the county auditor of such county, respectively, shall have access to the books and records of the board, and upon the direction of the legislative body of such city the said comptroller and inspector, or upon the direction of

the fiscal court of such county, the county auditor, shall make an audit of the board's accounts and report back thereon.

SECTION 32. The air pollution control officer shall observe and enforce, within his air pollution control district:

(a) The provisions of this chapter;

(b) All orders, regulations, and rules prescribed by the air pollution control board of the air pollution control district pursuant to this chapter;

(c) All variances and standards which the hearing board has prescribed pursuant to this chapter.

SECTION 33. In enforcing the provisions of this chapter and the orders, regulations, rules, variances, and standards of the air pollution control board and the hearing board, the air pollution control officer, his deputies and his assistants are peace officers.

ARTICLE IV

PROHIBITIONS

SECTION 34. The provisions of this article do not apply within any air pollution control district unless and until, pursuant to resolution and ordinance as provided in Article I of this chapter, such air pollution control district may function and exercise its powers.

SECTION 35. A person shall not by himself, his agent or employee, or as agent or employee of another, discharge into the atmosphere from any single source of emission whatsoever, any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

(a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines,

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than the smoke described in Subsection (a) of this section.

SECTION 36. A person shall not by himself, his agent or employee, or as agent or employee of another, discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

SECTION 37. The provisions of Sections 35 and 36 of this chapter shall not be applicable:

(a) To buildings used exclusively for private residences and containing less than five dwelling units. To all larger residential buildings of whatever type these sections shall be fully effective and applicable;

(b) When a fire box, furnace, boiler, locomotive or other fuel consuming device is being cleaned out and a new fire is being built therein, in which event a smoke of a density as great or greater than that described as No. 2 on the Ringelmann Chart shall be permitted for a period not to exceed six minutes in any single period of sixty minutes.

(c) To equipment used for agricultural operations in the growing of crops, or raising of fowl or animals;

(d) To smoke from fires set by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer for the purpose of weed abatement, the prevention of a fire or health hazard, or the instruction of public employees in the methods of fighting fire, which is, in the opinion of such officer, necessary.

SECTION 38. The air pollution control officer, his deputies and assistants, during reasonable hours, for the purpose of enforcing or administering this chapter or of any order, regulation or rule prescribed pursuant thereto, may enter every building, premises, or other place, except a building designed for and used exclusively as a private residence and may stop, detain and inspect any vehicles whether designed for and used on a public highway, rails, or in any other manner. No person shall in any

way deny, obstruct, or hamper such entrance, or such stopping, detaining or inspection of such vehicle, or refuse to stop such a vehicle upon the lawful order of the air pollution control officer, his deputy or assistant.

SECTION 39. The General Assembly does not, by the provisions of this chapter, intend to occupy the field. The provisions of this chapter do not prohibit the enactment or enforcement of any local ordinance stricter than the provisions of this article and stricter than the rules and regulations adopted pursuant to Article V of this chapter, which local ordinance prohibits, regulates or controls air pollution.

SECTION 40. The provisions of this chapter do not supersede any such local ordinance. If it should be held that the provisions of this chapter supersede the provisions of any local ordinance, such suspension shall not bar the prosecution or punishment of any violation of such ordinance which violation was committed when such ordinance was in full force and effect.

SECTION 41. Nothing in this Article limits in any way the power of the air pollution control board to make needful orders, rules, and regulations pursuant to Article V of this chapter. Nothing in this Article permits any action contrary to any such order, rule, or regulation.

SECTION 42. Any violation of any provision of this Article may be enjoined in a civil action brought by the air pollution control board, the air pollution control officer, or any person aggrieved by such violation. Such abatement may be in addition to the fine hereinafter provided.

SECTION 43. Every person who violates any provision of Sections 35, 36, or 38 of this chapter is guilty of a misdemeanor and shall be fined not more than $100.00 nor less than $10.00 for each offense. Every day or any portion thereof during which any violation of these sections occurs or continues constitutes a separate offense.

ARTICLE V

RULES AND REGULATIONS

SECTION 44. The air pollution control board of an air pollution control district may make and enforce all needful

orders, rules, and regulations necessary or proper to accomplish the purposes of this chapter for the administration of such district, and may perform all other acts necessary or proper to accomplish the purposes of this chapter.

SECTION 45. The air pollution control board shall not enact any order, rule or regulation until it first holds a public hearing thereon. It shall give not less than 10 days notice of the time and place of such public hearing by publication in a newspaper of general circulation published within the district. If no newspaper of general circulation is published within the district it shall give notice of the time and place of public hearing by posting in a public place not less than 10 days before such hearing.

SECTION 46. Whenever the air pollution control board finds that the air in the air pollution control district is so polluted as to cause any discomfort or property damage at intervals to a substantial number of inhabitants of the district, the air pollution control board may make and enforce such orders, rules, and regulations as will reduce the amount of air contaminants released within the district.

SECTION 47. The air pollution control board may require by regulation that before any person builds, erects, alters, replaces, operates, or uses any article, machine, equipment, or other contrivance specified by such regulation the use of which may cause the issuance of air contaminants, such person shall obtain a permit to do so from the air pollution control officer.

Insofar as the regulations do not grant an automatic permit for the operation or use of any article, machine, equipment or contrivance in existence upon the effective date of such regulations, a permit shall not be required without first affording the owner, operator, or user thereof a reasonable time within which to apply for such permit, and to furnish the air pollution control officer the information required pursuant to Section 53.

SECTION 48. The air pollution control board may require that before the air pollution control officer issues a permit to build, erect, alter, or replace any equipment, that the plans and specifications show, and that the permit issued by the air pol-

lution control officer require, that such building, erection, alteration, or replacement will be done in such a manner, and that such approved equipment be used, as the air pollution control board finds will eliminate or reduce the discharge of any air contaminants.

SECTION 49. A permit shall not be required for:

(a) Any mobile equipment.

(b) Any structure designed for and used exclusively as a dwelling for less than five families.

(c) Equipment used for agriculture operations in the growing of crops, or raising of fowl or animals.

(d) Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted. As used in this section, maintenance does not include operation.

SECTION 50.

(1) The air pollution control board may contract with the county in which the air pollution control district is located, and may contract with any city within the district, and the county and any such city may contract with the air pollution control district, for the performance of such work in the name of, and subject to the approval of, the air pollution control officer by the building department or other officer, department, or agency of the county or such city charged with the enforcement of regulations pertaining to the erection, construction, reconstruction, movement, conversion, alteration, or enlargement of buildings or structures, as will accomplish all or part of the purposes of Sections 47 and 48 of this chapter.

(2) In a county containing a city of the first or second class, such contracts may provide for the consideration, if any, which the air pollution control district shall pay to such county or city.

(3) In all other counties such contracts may provide for the consideration, if any, which shall be paid to such city. In no event shall any consideration be paid by the district to such counties for such services.

SECTION 51. The air pollution control board may provide by regulation a schedule of fees not exceeding the estimated cost of issuing such permits and inspection pertaining to such issuance to be paid for the issuance of such permits. Every person applying for a permit shall pay the fee required by such schedule.

SECTION 52. A contract entered into pursuant to Section 50 of this chapter may provide that fees for permits shall be paid to the county or city, the officer, department, or agency of which county or city issues the permit, and may be retained by such county or city in whole or in part as the consideration, or part thereof, for issuing such permits. Otherwise, all fees paid for the issuance of permits shall be paid into the district treasury.

SECTION 53. The air pollution control officer at any time may require from an applicant for, or holder of, any permit provided for by the regulations of the air pollution control board, such information, analyses, plans, or specifications as will disclose the nature, extent, quantity, or degree of air contaminants which are or may be discharged by such source.

SECTION 54. If the holder of any permit provided for by the regulations of the air pollution control board within a reasonable time willfully fails and refuses to furnish to the air pollution control officer information, analyses, plans, or specifications requested by such air pollution control officer, the air pollution control officer may suspend the permit. He shall serve notice in writing of such suspension and the reasons therefor on the permittee.

SECTION 55. Within 10 days after receipt of notice of suspension the permittee may file with the hearing board a demand for a public hearing as to whether or not the permit was properly suspended.

SECTION 56. The air pollution control officer shall reinstate a suspended permit when all information, analyses, plans, and specifications are furnished.

SECTION 57. The air pollution control officer may reinstate a suspended permit where, in his opinion, good reasons exist therefor.

SECTION 58. The air pollution control officer may request the hearing board to hold a public hearing to determine whether a permit should be revoked, or a suspended permit should be reinstated.

SECTION 59. Within 30 days after either the air pollution control officer or the permittee has requested a public hearing the hearing board shall hold such a hearing and give notice of the time and place of such hearing to the permittee, to the air pollution control officer and to such other persons as the hearing board deems should be notified, not less than 10 days before the date of the public hearing.

SECTION 60. After a public hearing, the hearing board may:

(a) Continue the suspension of a permit suspended by the air pollution control officer, or

(b) Remove the suspension of an existing permit invoked by the air pollution control officer pending the furnishing by the permittee of the information, analyses, plans, and specifications required, or

(c) Find that no violation exists and reinstate an existing permit, or

(d) Revoke an existing permit, if it finds:

(1) The permittee has failed to correct any conditions required by the air pollution control officer, or

(2) A refusal of a permit would be justified, or

(3) Fraud or deceit was employed in the obtaining of the permit, or

(4) Any violation of this chapter or of any rule or regulation of the air pollution control board.

SECTION 61.

(1) It shall be considered a violation of this chapter for any person to:

(a) Knowingly make any false statement in any application

for a permit or in any information, analyses, plans, or specifications submitted either in conjunction therewith, or at the request of the air pollution control officer; or

(b) Build, erect, alter, replace, use, or operate any source capable of emitting air contaminants for which a permit is required by the regulations of the air pollution control district when his permit so to do has been either suspended or revoked; or

(c) Build, erect, alter, replace, use, or operate any source capable of emitting air contaminants without first obtaining a permit so to do, where such permit is required by the regulations of the air pollution control board; or

(d) Build, erect, alter, or replace, operate or use any such article, machine, equipment, or other contrivance contrary to the provisions of any permits issued under regulations adopted pursuant to this Article; or

(e) Violate any order, rule, or regulation of an air pollution control district. Every day or portion thereof during which such violation occurs or continues is a separate offense.

(f) Fail or neglect to furnish information, analyses, plans, or specifications required by the air pollution control officer.

(2) Every person who violates any provision of this Article is guilty of a misdemeanor and shall be fined not more than $100.00 nor less than $10.00 for each offense.

SECTION 62. Any violation of any provision of Sections 61 (1) (b), 61 (1) (c), 61 (1) (d), or 61 (1) (e) of this chapter may be enjoined in a civil action brought by the air pollution control board, the air pollution control officer, or any person aggrieved by such violation. Such abatement may be in addition to the fine provided for in Section 61 (2) of this chapter.

ARTICLE VI

VARIANCES

SECTION 63. The provisions of this chapter do not prohibit the discharge of air contaminants to a greater extent or for a longer time, or both, than permitted by Article IV of this

chapter or by rules, regulations, or orders of the air pollution control board, if not of a greater extent or longer time than the hearing board or a court after a hearing before the hearing board finds necessary pursuant to the provisions of this article.

SECTION 64.

(1) The hearing board on its own motion or at the request of any person may hold a hearing to determine under what conditions and to what extent a variance from the requirements established by Article IV of this chapter or by rules, regulations, or orders of the air pollution control board is necessary and will be permitted.

(2) The hearing board shall serve a notice of the time and place of a hearing to grant a variance upon the air pollution control officer and upon the applicant, if any, not less than 10 days prior to such hearing.

SECTION 65. The air pollution control board may provide, by regulation, a schedule of fees which will yield a sum not exceeding the estimated cost of the administration of this article, for the filing of applications for variances or to revoke or modify variances. All applicants shall pay the fees required by such regulations. All such fees shall be paid into the district treasury.

SECTION 66. If the hearing board finds that because of conditions beyond control compliance with Article IV of this chapter or with any rule, regulation, or order of the air pollution control board will result in an arbitrary and unreasonable taking of property or in the practical closing and elimination of any lawful business, occupation or activity, in either case without a sufficient corresponding benefit or advantage to the people in the reduction of air contamination, it shall prescribe other and different requirements not more onerous applicable to plants and equipment operated either by named classes of industries or persons, or to the operation of separate persons; provided, however, that no variance may permit or authorize the maintenance of a nuisance.

SECTION 67. In determining under what conditions and to what extent a variance from said requirements is necessary

and will be permitted, the hearing board shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the residents of the district and to any lawful business, occupation or activity involved, resulting from requiring compliance with said requirements or resulting from granting a variance.

SECTION 68.

(1) The hearing board may revoke or modify by written order, after a public hearing held upon not less than 10 days' notice, any order permitting a variance.

(2) The hearing board shall serve, by personal service or registered mail, notice of the time and place of a hearing to revoke or modify any order permitting a variance not less than 10 days prior to such hearing upon the air pollution control officer, upon all persons who will be subjected to greater restrictions if such order is revoked or modified as proposed and upon all other persons interested or likely to be affected who have filed with the hearing board or air pollution control officer a written request for such notification.

(3) If either the identity or address of any person entitled to such notice is unknown, the hearing board shall serve such person by publication of notice once in a newspaper of general circulation published within the district if such newspaper is published therein, otherwise by posting at a public place at the county seat within the district.

SECTION 69. The hearing board in making any order permitting a variance may specify the time during which such order will be effective, in no event to exceed one year, but such variance may be continued from year to year without another hearing on the approval of the air pollution control officer.

SECTION 70. If any local ordinance has provided regulations similar to those in Article IV of this chapter or to any order, regulation, or rule prescribed by the air pollution control board, and has provided for the granting of variances, and pursuant to such local ordinance a variance has been granted prior to the adoption of a resolution by the fiscal court and

the passage of an ordinance by the legislative body of a city of the first or second class, pursuant to Article I of this chapter, such variance shall be continued as a variance of the hearing board for the time specified therein or one year, whichever is shorter, or until and unless prior to the expiration of such time the hearing board modifies or revokes such variance as provided in this article.

ARTICLE VII

PROCEDURE

SECTION 71. This article applies to all hearings which either Article V or Article VI of this chapter provides shall be held by the hearing board.

SECTION 72. The hearing board shall select from its number a chairman.

SECTION 73.

(1) The hearing board may hold a hearing in bank or may designate two or one of their number to hold a hearing.

(2) If two or three members of the hearing board conduct a hearing the concurrence of two shall be necessary to a decision.

(3) The hearing board not less than two being present may, in its discretion, within 30 days rehear any matter which was decided by a single member.

SECTION 74.

(1) Whenever the members of the hearing board conducting any hearing deem it necessary to examine any person as a witness at such hearing, the chairman of the hearing board shall issue a subpoena, in proper form, commanding such person to appear before it at a time and place specified to be examined as a witness. The subpoena may require such person to produce all books, papers, and documents in his possession or under his control material to such hearing.

(2) A subpoena to appear before the hearing board shall be served in the same manner as a subpoena in a civil action.

SECTION 75.

(1) Whenever any person duly subpoenaed to appear and give evidence or to produce any books and papers before the hearing board neglects or refuses to appear, or to produce any books and papers, as required by the subpoena, or refuses to testify or to answer any question which the hearing board decides is proper and pertinent, he shall be deemed in contempt, and the hearing board shall report the fact to the judge of the circuit court of the county.

(2) Upon receipt of the report, the judge of the circuit court shall issue an attachment directed to the sheriff of the county where the witness was required to appear and testify, commanding the sheriff to attach such person and forthwith bring him before the judge who ordered the attachment issued.

(3) On the return of the attachment and the production of the body of the defendant, the circuit judge has jurisdiction of the matter. The person charged may purge himself of the contempt in the same way, and the same proceeding shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a circuit court.

SECTION 76. At any hearing the hearing board may require all or any witnesses to be sworn before testifying. Every member of the hearing board may administer oaths in every hearing in which he participates.

SECTION 77.

(1) Any person, being a party of record at such hearing, deeming himself aggrieved, including the air pollution control district, may maintain a special proceeding in equity in the circuit court of the county in which the district is located, to determine the reasonableness and legality of any action of the hearing board. Such special proceeding shall be entitled to priority on the docket of said equity court.

(2) Any person filing such a special proceeding after any decision of the hearing board shall be entitled to a trial de novo

and an independent determination of the reasonableness and legality of such action in such court on all issues of law, facts, and mixed questions of law and facts and opinions therein involved. Jurisdiction is hereby given such circuit court to determine all questions and issues properly brought before it on such appeal.

(3) Appeals may be taken from the judgment of said circuit court to the Court of Appeals of Kentucky. All such appeals shall be entitled to priority on the docket of the Court of Appeals.

SECTION 78. If any clause, sentence, paragraph, section, article, or part of this act, shall for any reason be adjudged by any court of competent jurisdiction to be invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part hereof, directly involved in the controversy in which such judgment shall have been rendered.

SECTION 79. WHEREAS the air is being polluted and contaminated in many portions of the Commonwealth in such amounts as to be detrimental to the public peace, health, safety, and welfare of the people of the Commonwealth, an emergency is hereby declared to exist, and this act shall take effect upon its passage and approval by the Governor.

Said bill was ordered printed and referred.

S. B. No. 159. AN ACT relating to utilities owned by cities of the second to sixth classes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 96.540 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in KRS 96.171 to 96.188, inclusive no city of the second, third, fourth, fifth or sixth class that owns a waterworks system or lighting system by gas or electricity,

shall sell, convey, lease or encumber the system or the income therefrom without the assent of a majority of the total number of legal voters of the city voting at an election held for that purpose, after sixty consecutive days' notice of the election next before the date of the election has been published in the newspaper having the largest circulation in the city. If, in the case of a city of the fourth, fifth or sixth class, no newspaper is published in the city, notice shall be given by handbills posted up in at least ten public places in the city for not less than sixty days prior to the date of the election.

Said bill was ordered printed and referred.

S. B. No. 71. AN ACT relating to game and fish.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 150.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any wild animal protected by this chapter except during the open season for the particular species as prescribed by the division. The open season for rabbits may be between November 1 and February 1 only, but shall not exceed a total of sixty days, consecutive or otherwise. The open season for mink, opossum, raccoon, skunk, muskrat and red fox may be between November 1 and February 15 only, but shall not exceed a total of sixty days, consecutive or otherwise except that the division may allow an additional thirty days in which opossum and racoon may be hunted and taken by dog only. The open season for squirrel may be between September 1 and October 31 only, but shall not exceed a total of forty days consecutive or otherwise. The open season for pond bull or jumbo frogs shall be such period as the division may prescribe. There shal be no open season for otter or beaver.

Said bill was ordered printed and referred.

S. B. 47. AN ACT relating to compensation of County Commissioners.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 67.110, K.R.S. be amended and re-enacted, so that when amended it shall read as follows:

COMPENSATION OF JUSTICES AND COMMISSIONERS FOR SERVING ON FISCAL COURTS. (1) Each county commissioner serving on a fiscal court may be paid out of the county treasurer the following compensation for his services:

(a) In counties containing a city of the first class, a salary of five thousand dollars per annum, payable monthly.

(b) In counties containing a city of the second class, a salary of four thousand dollars per annum, payable monthly.

(c) In counties containing a city of the third or fourth class, a salary of not more than one thousand, eight hundred dollars per annum, payable monthly.

(d) In other counties, the same compensation per day as justices of the peace receive under Section 64.530 KRS.

Notwithstanding any provision of KRS 64.530, county commissioners in counties containing a city of the first or second class who are in office on the effective date of this act and who were elected at the election at which the amendment to Section 246 of the Constitution of Kentucky was adopted may be paid the compensation authorized by this section, but not retroactively.

WHEREAS it is deemed necessary to authorize an increase in the compensation of such county commissioners now in office, an emergency is declared to exist and this act shall take effect upon its passage and approval by the Governor.

Said bill was ordered printed and referred.

S. B. No. 20. AN ACT relating to chattel mortgages, amending Section 382.720 of the KRS.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 382.720 of the Kentucky Revised Statutes is amended to read as follows:

Section 1. Except as provided in Section 2 hereof, a recorded chattel mortgage shall be invalid as against creditors, purchases, junior mortgagees, other lienors and encumbrancers and third parties after the expiration of a period of seven years from the time the chattel mortgage is filed as provided in KRS 382.670 or from the time of filing of a statement as provided in this section, unless before the expiration of such term the mortgagee or someone in his behalf files a statement, in the office of the county clerk of the county in which the property is then located, containing the names of the parties to the mortgage, the time and place where the original is filed, and the amount then due thereon for principal and interest, in which case the lien of the mortgage shall be extended for three years from the date of filing the statement. The county clerk may charge a fee of one dollar for filing such statement and shall enter it in his "chattel mortgage minute book" as in the case of a chattel mortgage.

Section 2. Section 1, as above set forth, shall be applicable in all of its provisions as to livestock, farm machinery and equipment, including tractors, but excluding farm trucks and passenger automobiles, except that the limitation period shall be three years in lieu of the seven year provision therein provided.

Said bill was ordered printed and referred.

The Senate message further announced that they had concurred in and passed a bill and Resolution originating in the House of the following titles, viz:

H. B. No. 127. AN ACT concerning waterworks in cities other than first class.

H. Res. No. 9. A JOINT RESOLUTION memorializing Congress to continue to maintain and operate certain improvements in the Kentucky River.

With the following Senate Amendment thereto, asking the concurrence and adoption of said amendment, which is as follows, viz:

Amend House Resolution 9 by striking the period after the word "River" on line 4 page 2 of the printed Resolution and inserting a comma in lieu thereof and following such comma to add the following:

"and in the event that the Jessamine Creek Dam Project is undertaken, that the plans therefor provide for locking facilities."

ORDERS OF THE DAY

Mr. Lowman moved that H. B. 158 be taken from the Orders of the Day, and placed upon its passage, said bill by its title is as follows, viz:

H. B. No. 158. AN ACT relating to mines and minerals.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 351.010 of the Ky. Revised Statutes is amended to read as follows:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Approved" means a device, apparatus, equipment, machinery or practice approved by the Chief of the Department of Mines and Minerals.

(b) "Chief" means Chief of the Department of Mines and Minerals.

(c) "Commercial mine" means any coal mine from which coal is mined for sale or exchange.

(d) "Department" means the Department of Mines and Minerals.

(e) "Drift" means an opening through the strata, with opening grades such as to permit coal to be hauled by mules or mechanical traction power, and capable of being used for the purpose of ventilation, drainage, ingress, egress and other purposes in connection with the mining of coal.

(f) "Gaseous mine" means a mine in which the percentage of explosive gas exceeds one-fourth of one percent at the return of any one split.

(g) "Gassy mine" means a mine in which methane has been detected by a flame safety lamp or one in which there is a record of methane having been ignited.

(h) "Mine" means any open pit or any underground workings from which coal is produced for sale, exchange or commercial use, and all shafts, slopes, drifts or inclines leading thereto, and includes all buildings and equipment, above or below the surface of the ground, used in connection with such workings. Workings that are adjacent to each other and under the same management and which are administered as distinct units shall be considered a separate mine.

(i) "Mine foreman" means the person whom the operator or superintendent places in charge of the workings of the mine and of persons employed therein.

(j) "Nongaseous mine" means any mine not classified as a gassy or a gaseous mine.

(k) "Open-pit mine" shall include open excavations, prospect openings, and open-cut workings for the extraction of coal.

(l) "Operator" means an individual, firm or corporation operating a coal mine or any part thereof.

(m) "Pure intake air" means air that has not passed through the last working place of the split or by the unsealed entrances to abandoned workings and by analysis contains not less than twenty percent oxygen nor more than one-half of one percent

of carbon dioxide, nor any dangerous quantities of flammable gas nor any harmful amounts of poisonous gas or dust.

(n) "Return air" means air that has passed through the last active working place on each split, or air that has passed through abandoned, inaccessible or pillared workings.

(o) "Shaft" means a vertical opening through the strata that is or may be used, in connection with the mining of coal, for the purpose of ventilation or drainage, or for hoisting men, coal or materials.

(p) "Slope" means an inclined opening used for the same purpose as a shaft.

(q) "Superintendent" means the person who, on behalf of the operator, has immediate supervision of one or more mines.

(2) Except as the context otherwise requires, this chapter applies only to commercial coal mines.

Section 2. Section 351.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any party in interest dissatisfied with an order of the department may commence an equitable action against the department and other interested parties as defendants, to vacate or set aside, in whole or in part, any such order. The action may be brought in the circuit court of the county where the subject matter involved in the order, or the well or workable coal bed or part thereof, is located. The court may grant relief from any unlawful or unreasonable order of the department, and render such judgment as appears to it to be equitable and just.

(2) The pendency of the action shall not of itself suspend the operation of the order of the department, but during the pendency of the action any party may secure from the court an order suspending or staying the operation of the order of the department pending the action by giving to the other parties adequate security, approved by the court, against loss due to the delay in enforcement of the order, in case the order under review is not set aside, and the court may, without security being given, suspend the operation of the order, in whole or in part, on such

terms as it deems just and in accordance with the practice of courts of equity; provided, however, that the operation of an order pertaining to safety in coal mines shall not be suspended temporarily pending final decision of the court.

(3) Appeals may be taken to the Court of Appeals as in other cases.

Section 3. Section 351.050 of the Kentucky Revised Statutes is amended to read as follows:

On July 13 of every fourth year, beginning with 1934, the Governor shall appoint a Chief of the Department of Mines and Minerals for a term of four years. The oath taken by the chief of the department shall be in writing and certified by the officer administering it, and the oath and certificate shall be filed in the office of the Secretary of State. The chief shall receive a salary of seventy-five hundred dollars per annum, payable monthly, and shall be paid his necessary traveling and other expenses incurred on account of and when engaged in the discharge of his official duties. The provisions of KRS 64.640 shall not apply to the salary of the Chief of the Department of Mines and Minerals.

Section 4. Section 351.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Chief of the Department of Mines and Minerals shall have full authority over the department and shall superintend and direct the activities of the district mine inspectors and other personnel of the department.

(2) He may, whenever necessary, divide the coal fields of the state into as many inspection districts as there are district mine inspectors, so as to equalize as nearly as practicable the work of each inspector, and may assign to the inspectors their respective districts.

(3) He may, whenever he deems it necessary in the interest of efficient supervision of the mines, temporarily employ the services of additional mine inspectors or change inspectors from one district to another.

(4) He shall superintend and direct the inspection of mines

and cause to be investigated the character and quality of air in mines whenever conditions indicate the necessity of doing so.

(5) He shall collect statistics relating to coal mining in the state and make an annual report of such statistics.

(6) He shall see that maps, plans, projections and proposed developments of all coal mines are made and filed in his office.

(7) He shall keep a properly indexed, permanent record of all inspections made by himself and the personnel of the department.

(8) He shall exercise general supervision over the training of officials and workmen in safety and first aid and mine rescue methods and may conduct demonstrations in safety whenever he deems it advisable.

(9) He shall exercise general supervision over the dissemination of information among officials and employes concerning mine ventilation, mining methods and mine accidents and their prevention, and shall assume full charge in the event of mine fire or explosion or other serious accident at any mine in the state.

(10) He may assist in the resumption of operations of any mine or gather data for the development of any coal seams that would be of any benefit to the state or create new employment.

(11) The chief of the department may prescribe reasonable safety standards governing the operation of open-pit or surface mines.

Section 5. Section 351.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) Adequate offices shall be furnished the Department of Mines and Minerals in the Mineral Industries Building of the University of Kentucky at Lexington, and its main office shall be located there. The department shall have access to the facilities of the Mining Laboratory and the Kentucky Geological Survey.

(2) The offices of the district mine inspectors shall be at

such places within their respective districts as the chief of the department designates, and each district mine inspector shall be provided with a suitable office.

Section 6. Section 351.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Governor shall appoint an adequate number of district mine inspectors to insure at least four inspections annually, provided the mine is in operation the entire year or the proportionate thereof, of all the mines in the state. One or more of the appointees shall be designated as electrical mine inspectors. The Governor shall also appoint and adequate number of inspectors of mine weights. The term of office of each district mine inspector and each inspector of mine weights shall be during the period of capable, efficient service and good behavior.

(2) All district mine inspectors and inspectors of mine weights shall have a thorough knowledge of first aid and mine rescue and be able to instruct in first aid and mine rescue, and shall possess thoroughly the knowledge required of the chief of the department by KRS 351.060, and shall have a thorough practical knowledge of mining gained by at least ten years' experience in and about coal mines, at least five of which must have been in and about mines in this state.

(3) No person shall be appointed to the office of district mine inspector until he has passed a satisfactory examination before the Board of Examiners. The Chief of the Department of Mines and Minerals may recommend to the Governor applicants for district mine inspector who have successfully passed the examination and are proved by worth, training and experience to be the most competent of the applicants.

(4) District mine inspectors and inspectors of mine weights shall be of good moral character and temperate habits and shall not, while holding office, act in any official capacity in operating any coal mine.

(5) Each district mine inspector, electrical inspector, and inspector of mine weights shall receive such salary as may be fixed pursuant to the provisions of KRS 64.640.

(6) Each district mine inspector and inspector of mine weights shall take oath, which shall be certified by the officer administering it. The oath, in writing, and the certificate, shall be filed in the office of the Secretary of State.

(7) Each district mine inspector and inspector of mine weights shall give bond with surety approved by the Governor.

Section 7. Section 351.100 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Board of Examiners for the certification of district mine inspectors, mine foremen and fire bosses shall consist of the following members:

(a) The Chief of the Department of Mines and Minerals;

(b) Any two district inspectors, the selection of whom is optional with the chief, who may select them alternately or otherwise;

(c) One miner holding a mine foreman's certificate of the first class who has had at least seven years of practical experience in the mining of coal, four years of which have been in the mines of this state, and who is actually employed in mining coal at the time of appointment; and

(d) One operator who at the time of his appointment is actually engaged in operating a coal mine in this state.

(2) Each member of the board except the chief shall be recommended by the chief and appointed by the Governor for a term of four years.

(3) The type of examinations given for inspectors, foremen and fire bosses shall be determined by the board. The examinations shall be conducted by an examiner or examiners approved by the board.

(4) The Chief of the Department of Mines and Minerals shall be chairman of the board and whenever it is necessary for him to be absent from any meeting of the board he may designate any other member to preside during his absence. A majority of the members shall constitute a quorum, with authority to

transact business, hold examinations and issue certificates. The chairman shall keep a record of all proceedings of the board, including the names and addresses of persons who have been granted certificates and of those who have failed to pass the examination.

(5) The operator and miner members of the board shall receive twenty dollars per day plus the necessary travel and other necessary expenses incurred while in the performance of their official duties.

(6) All money paid to the State Treasurer for licenses and fees required by this Act shall be for the sole use of the Department of Mines and Minerals and shall be in addition to any monies appropriated by the General Assembly for the use of the department.

Section 8. Section 351.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Board of Examiners shall not admit any applicant to take an examination given by it until the applicant has presented to the examiner at the time of registration for the examination a post office money order in the amount of five dollars. The money order shall be made payable to the State Treasurer, Frankfort, Kentucky.

(2) The board may refuse to examine any applicant who cannot readily understand the written English language or cannot express himself intelligently in English, or who is obviously intoxicated.

Section 9. Section 351.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Board of Examiners shall issue a certificate to each person who possesses the qualifications required by law for district mine inspector, mine foreman or fire boss, who has passed the examination given by direction of the board for that position and meets the requirements of subsection (6) of this section.

(2) The certificate shall be in such form as the chief of the department prescribes, shall be signed by the members of the Board of Examiners, and shall show that the holder has

passed the required examination and possesses the qualifications required by law for district mine inspector, mine foreman or fire boss, and is authorized to act as such.

(3) Certificates issued to mine foreman, assistant mine foreman and fire bosses shall be classified as follows:

(a) First-class certificates, authorizing the holder to act as foreman for all classes of coal mines;

(b) Second-class certificates, authorizing the holder to act as foreman for any nongaseous coal mine;

(c) Assistant mine foreman certificates, authorizing the holder to act as assistant foreman. Upon the completion of five years' mining experience evidenced by acceptable affidavits, the holder may apply to the board for a foreman's certificate of the same classification.

(d) Fire boss certificates, authorizing the holder to act as fire boss in any mine.

(4) Any mine foreman holding a certificate of the first class may act as fire boss, and any regularly employed fire boss may act in an emergency as a mine foreman holding a first-class certificate.

(5) The class of mine foreman's certificate awarded shall be determined by the Board of Examiners according to the nature of the examination taken by the applicant.

(6) No certificate shall be granted to any person who does not present to the Board of Examiners satisfactory evidence, in the form of affidavits made by well known and responsible persons in the locality from which he came, that the applicant is a man of sobriety and good moral character, and that he has had at least five years' practical experience at and in coal mines, or to any person who is not either a bona fide resident of this state or employed at a mine in this state. A degree in Mining Engineering from a recognized institution of learning may be taken as the equivalent of two years of mining experience. A minimum of three years' underground experience is required of applicants for assistant mine foremen and fire boss certificates.

(7) Persons possessing certificates of qualifications to act as district mine inspector, mine foreman or fire boss prior to this Act are not affected by this section, and assistant foremen are allowed one year from the effective date of this Act to comply with its provisions pertaining to certifications.

Section 10. Section 351.130 of the Kentucky Revised Statutes is amended to read as follows:

If any district mine inspector, mine foreman, assistant mine foreman, or fire boss misplaces his certificate or it is destroyed, he shall apply to the Chief of the Department of Mines and Minerals for a duplicate certificate, including with his application an affidavit stating in full how the certificate was destroyed or misplaced, and if the chief deems it proper he shall furnish the district mine inspector, mine foreman, assistant mine foreman or fire boss with a duplicate certificate. Any person applying for a duplicate certificate shall pay a fee of two dollars to the State Treasurer.

Section 11. Section 351.140 of the Kentucky Revised Statutes is amended to read as follows:

Each mine inspector shall give his entire time and attention to the duties of his office, which shall consist of the following:

(1) Inspecting coal mines and aiding under the direction of the chief of the department in carrying out and enforcing the provisions of the laws relating to the inspection of coal mines;

(2) Training officials and workmen in and about the mines in first aid and mine rescue methods;

(3) Advising officials and workmen in methods pertaining to safety in all its phases and in methods pertaining to the prevention of mine fires and explosions;

(4) Taking charge of mine rescue and recovery work whenever a mine fire, mine explosion or other serious accident occurs within his district, and the chief is not present, and assisting in such work in other districts when so directed by the chief;

(5) Reopening mines or portions of mines that have been

sealed on account of fire or any other cause, when directed by the chief to do so; and

(6) Inspecting each mine in his district at least once every three months, or oftener if practicable and if funds permit, and, whenever any danger to the workmen may exist, making a personal examination of the interior of each mine with respect to ventilation, drainage, timbering, blasting, electricity and general security, and also a personal examination of the outside of the mine.

Section 12. Section 351.170 of the Kentucky Revised Statutes is amended to read as follows:

The owner, lessee, or superintendent of each commercial coal mine shall give at the end of each month and at the end of each calendar year accurate information, on blanks furnished by the chief of the department, as to the number of accidents that have occurred, the number of persons employed, the tons of coal mined and any other related information that the chief requests.

Section 13. Section 351.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) The inspectors of mine weights may inspect and test all scales, except railroad scales, used in connection with any commercial coal mine in this state, and shall determine their mechanical condition and accuracy. Each coal operator or superintendent shall render such assistance to the inspector of mine weights as may be necessary in conveying and handling the weights and other appliances that are needed for the proper inspecting and testing of scales. The inspector of mine weights shall leave a written record with the mine operator or superintendent as to the condition of the scales inspected and shall post in the weight office a record of the inspection of the scales. If upon inspecting and testing any mine scale the inspector deems it necessary that the scale have any parts replaced, or that the scale be reconditioned or the foundation or building repaired or renewed, the operator or superintendent shall immediately comply with his recommendations.

(2) Each operator shall pay a fee of fifteen dollars, to the

department, by check or money order made payable to the State Treasurer, for each mine scale inspection.

Section 14. Within forty-five days after January 1, 1953, and of each year thereafter, the owner, operator, or lessee of each mine shall procure from the Department of Mines and Minerals a license to operate such a mine, and such license shall not be transferable. Any owner, operator, or lessee who assumes control of a mine, opens a new mine, or re-opens an abandoned mine during any calendar year shall procure such license before mining operations are begun.

The license shall be in such form as the chief may prescribe and when issued shall be kept posted at a conspicuous place near the main entrance of the mine.

Requests for such license shall be made to the Department of Mines and Minerals, and such requests shall be accompanied by a post office money order or cashiers check drawn in favor of the State Treasurer in the amount of fifteen dollars for each mine. The chief or his accredited agent may refuse to issue said license until the annual report of the operator and the annual mine map, as required by this Act, are properly submitted to the department. The chief or his accredited agents shall have the authority to extend the time for the filing of the map.

Any owner, operator, or lessee who fails to obtain his license as required by this section shall be guilty of a misdemeanor, and shall be fined not less than twenty-five dollars nor more than two hundred dollars at the discretion of the court. Each day the mine is operated without a license constitutes a separate offense.

Section 15. Section 352.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The ventilation of all coal mines shall be produced by means of mechanically operated fans located outside the mine and offset at least fifteen feet to one side of the opening, equipped with explosion doors or weak walls and arranged so that ventilating current may be reversed if necessary. In gaseous mines the main fan shall be operated from a power circuit independent from the mine circuit. If inside fans are required to ventilate working places on longwall or modern systems of mining the

Chief of the Department of Mines and Minerals must first approve the installation.

(2) The operator, superintendent or foreman of every coal mine worked by shaft, slope or drift shall provide and maintain for every mine adequate ventilation affording at least one hundred cubic feet of air per minute for each person employed in the mine and at least two hundred cubic feet of air per minute or each animal working in the mine, unless the mine liberates explosive quantities of gas, in which case he shall provide at least one hundred fifty cubic feet of air per minute for each person and three hundred cubic feet of air per minute for each animal, and as much more air as the district inspector deems necessary. At least six thousand cubic feet of air per minute shall be circulated around the main headings, cross headings, room headings, and sufficient air shall be directed to the working faces to such an extent as to dilute, render harmless and carry off any noxious or dangerous gases. In pillar workings at least six thousand cubic feet of air per minute must be delivered to the beginning of the pillar line.

(3) When the air from a split has passed through and has ventilated all of the working places in an air split of a mine it shall then be designated as return air.

(4) As working places advance, breakthroughs for air shall be made sixty feet apart, except where it is now permitted, with the approval of the district mine inspector and the chief of the department, to drive to ninety feet before making breakthroughs, and except that where longwall or modern systems of mining are used the chief may approve a greater distance between breakthroughs or the method of ventilating such longwall or modern systems of mining. If any breakthroughs between intake and return airways are not required for the passage of air, they shall be closed with stoppings. All stoppings shall be substantially built with suitable material subject to the approval of the district mine inspector so as to keep the working places well ventilated. Doors on the main haulways shall be avoided in gaseous mines where practicable, and overcasts, built of concrete or other suitable material and of ample strength, shall be

adopted. Where doors are used they shall be built in a substantial manner, and shall be hung so as to close automatically when unobstructed.

(5) After the effective date of this Act in developing entries where rubber belt conveyors are to be installed, with the exception of rubber belt conveyors in slopes, it is required that not less than three parallel entries be driven and that breakthroughs be driven on both sides of the entry to be used as a belt entry with permanent stoppings to be erected in each breakthrough driven between the belt entry and return entry. Stoppings shall be erected in each breakthrough driven between the belt entry and the other intake entry with mandoors placed in line of stoppings not farther than five hundred feet apart. One entry on the intake side of the belt entry shall be maintained as a travelway and the entry or entries in one side of the belt entry shall be ventilated by intake air; on the other side by return air. A regulator shall be placed on the belt entry to reduce the volume of air traveling in this entry to a minimum required for effective ventilation of the entries and the air ventilating the belt entry shall be carried directly to the return before it reaches the working faces of the mine.

(6) The preceding provisions as pertain to the use of rubber belt conveyors shall apply only to installations which are made after the effective date of this Act, and if any operator is unable to comply with these provisions the department may prescribe the conditions under which the new installation shall be made.

(7) In a mine where methane is liberated and can be found to an extent of one-half of one percent or more, by analysis, on the return of any one split, the district inspector with the approval of the chief may require the mine to be ventilated by the exhaust system, requiring the haulage roads and all trolley and feed wires to be located on the intake air and the electrical system to be so arranged that no wires carrying electrical current shall be on return air.

Section 16. Section 352.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) As many as sixty persons may work in the same air current or split, and with the approval of the district mine inspector and the chief of the department as many as eighty persons may work in the same air current. Every mine, and all portions thereof, shall be ventilated by one or more currents of air, which shall contain not less than twenty percent of oxygen, nor more than one-half percent of carbon dioxide, nor any dangerous quantities of inflammable gas, nor any harmful amount of poisonous, gases or dust, when the current of air enters into each split. In any event, the ventilation shall be sufficient to prevent methane accumulations, so far as practicable, and to keep the methane percentage in the return of any split to not more than one-half percent in a dusty mine and not more than three-fourths percent in a nondusty mine.

(2) The ventilating current shall be circulated through the haulageways, travelways and airways so as to reach all portions of the mine, except sealed sections; and it shall be circulated through the entries and rooms around the ends of line brattice and along pillar lines. It shall be conducted to the last breakthrough, or to the working faces if required, by means of such stoppings, check doors, curtains and brattice as may be necessary or required, in order to dilute, render harmless and carry away the noxious and dangerous gases, smoke and dust liberated therein, and to supply a sufficient quantity of ventilation for all emergencies.

(3) When mine ventilation, formerly satisfactory and adequate, becomes deficient in quality or quantity, the Department of Mines and Minerals shall have authority to order improvement of the ventilation.

(4) No operator, superintendent or mine foreman shall permit any person to work at a place where sufficient ventilation cannot be maintained, except persons employed to make the places of employment safe in compliance with the requirements of this chapter, and while repair work necessary to comply with the requirements is in progress no person shall be permitted to enter that part of the mine affected except those actually employed in doing the repair work. Such repair work shall be

done under the constant supervision of an official designated by the mine foreman.

(5) If any accident occurs to the ventilating fan or its machinery, so that the ventilation of the mine will be seriously interrupted, the mine foreman shall order the men to withdraw immediately from the mine, and shall not allow them to return until the ventilation has been restored and the mine thoroughly examined by him or by an assistant mine foreman or fire boss and reported safe.

Section 17. Section 352.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The use of machinery powered by an internal combustion engine or motor in any coal mine within this Commonwealth is hereby prohibited, provided that the chief may if he is satisfied that it will not be injurious to the health or the safety of the employes authorize the use of diesel powered machinery under such reasonable general or special ruling and regulations as he may from time to time promulgate.

(2) No steam locomotive shall be used in any mine unless it is approved in writing by the chief of the department.

(3) No operator, superintendent, or mine foreman shall provide a horse or mule stable inside any mine, unless it is approved in writing by the chief of the department.

Section 18. Section 352.060 of the Kentucky Revised Statutes is amended to read as follows:

The following rules shall govern in the rock-dusting of mines:

(1) All dry mines, or parts of mines, or sections thereof, shall be rock-dusted if conditions are found to be dusty or hazardous, after proper inspection. In event such conditions are found to exist then the chief or his accredited representative shall require the necessary rock-dusting to make the mine, part of mine or section safe.

(2) In all mines, accumulations of fine dry coal dust shall, as far as practicable, be removed from the mine, and all dry and dusty operating sections kept thoroughly watered or rock-dusted, or the dust allayed by other methods approved by the chief of the department; but in every dusty mine, or in any part or section thereof, rock-dusting shall be applied to maintain at all times a minimum percentage of sixty-five percent of noncombustible matter to within forty feet of the faces, and under certain conditions the department may require that places be rock-dusted to the faces. The term "dusty mine" shall not include a wet or damp mine; but the provisions hereof relating to rock-dusting shall apply to any dusty part or section of a wet or damp mine.

Section 19. Section 352.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) All unused workings and abandoned parts of mines must be protected by such safeguards as will prevent, so far as practicable, the accumulation or overflow of gas, and all avenues leading thereto shall be so arranged and conducted as to give warning to all persons of the danger of entering, and notice shall be posted warning all unauthorized persons not to enter such parts of the mine.

(2) No person, except persons authorized to make examination thereof, shall enter any unused or abandoned part of a mine after such warning has been posted.

(3) Where the practice is to seal abandoned workings, the sealing shall be done in an effective manner with noncombustible material. In every sealed area, one or more of the seals shall be fitted with a pipe and cap or valve to permit the gases behind the seals to be sampled and also to provide a means of determining any existing hydrostatic pressure. When required by the chief, drill holes shall be extended from the surface to the sealed area, or vent pipes shall be extended from the sealed area to a return air course. Any owner, operator, or lessee who fails to comply with this subsection shall be guilty of a misdemeanor and shall be fined not less than twenty-five dollars nor more than two hundred dollars at the discretion of the court. Each day the

mine is operated in violation of this subsection constitutes a separate offense.

Section 20. Section 352.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) No operator, superintendent, or mine foreman of any coal mine shall permit persons to work therein unless there are to every seam of coal worked in the mine at least two separate outlets, separated by natural strata of not less than one hundred feet in breadth if the mine is worked by shaft or slope, and separated by natural strata of not less than fifty feet in breadth if the mine is worked by drift, by which outlets distinct means of ingress and egress are readily available to persons employed in the mine, but it shall not be necessary for the two outlets to belong to the same mine. This subsection does not apply to the openings of a new entry that is being worked for the purpose of making connection between the two outlets so long as not more than twenty persons are employed at one time in making the connection or driving the second opening, or to any mine in which the second opening has been rendered unavailable by reason of final robbing or removal of pillars so long as not more than twenty persons are employed therein at one time.

(2) If any coal mine has but one means of ingress and egress for persons employed therein, and the owner does not own suitable ground for another opening, the owner may select appropriate adjacent ground for that purpose and have it condemned, by proceedings similar to those allowed for securing a private passway, in the county court of the county where the mine is situated.

Section 21. Section 352.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) At every mine operated by shaft, there shall be an approved safety catch, and on all cages used for lowering and hoisting persons there shall be a sufficient and substantial overhead cover. At the top of each shaft a safety gate shall be provided. An adequate brake, so adjusted that it may be operated by the engineer without leaving his post at the levers, shall be attached to every drum or equivalent machine used for lowering

or raising persons at any shaft or slope, and in connection with the hoisting engine an efficient indicator or dial, which will show the engineer the positions of the cages in the shaft at any time, shall be used. Approved means for signaling to the bottom man, the top man and the engineer shall be provided, and all shafts used for lowering or hoisting men shall be equipped with metal tubes or pipes or with telephones, through which conversations may be freely held between persons at the bottom and top landings.

(2) No cages or incline cars on which men are riding shall be lifted or lowered at a rate of speed greater than six hundred feet per minute.

(3) The hoisting rope, the safety catches and the cage attachments shall be examined by the mine foreman, or by some competent person designated by him, every morning before the men descend into the mine, and care shall be taken to keep them in good working condition at all times.

(4) No person shall ride on any cage when coal, slate or similar material is being raised.

(5) No person shall enter a cage at the bottom to be raised to the top during the running hours of the mine, or when leaving work at the close of the day's run, without first being authorized by the bottom man or cager to do so, the bottom man or cager having first signaled to the engineer that men are to be raised.

(6) At every underground landing where persons enter or leave the cage and where persons must pass from one side of the shaft to the other there shall be a passageway not less than three feet wide and of suitable height, kept free from obstruction and as dry as possible, around the shaft; and all employes when passing from one side of the shaft to the other side shall use the passageway only.

(7) Whenever the hoisting or lowering of men occurs before daylight or after dark, or when the landing at which men take or leave the cage is obscured by steam or otherwise, there shall be maintained at each landing a light sufficient to show the landing and objects in immediate proximity thereto, and as long as men are underground a good light shall be maintained at the

bottom of the shaft, so that persons coming to the bottom may discern the cage and objects in the vicinity thereof.

(8) Hoisting ropes on all cages or trips shall be adequate in size to handle the load and have a proper factor of safety. Ropes used to hoist or lower coal and other materials shall have a factor of safety of not less than five to one; ropes used to hoist or lower men shall have a factor of safety of not less than ten to one. The rope shall be replaced as soon as there is evidence of possible failure.

(9) Any rope attached to a cage, man-car, or trip used for hoisting or lowering men shall be provided with two bridle chains or cables connected securely to the rope at least three feet above the socket or thimble and to the crosspiece of the cage or to the man-car or trip.

Section 22. Section 352.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) On single-track haulage roads in mines, which the persons employed in the mine must use while performing their work or while traveling on foot to and from their work, there shall be places of refuge on one side not less than three feet in depth from the side of the mine car, and four feet wide, and not more than sixty feet apart, where haulage is done by machines, and not less than thirty inches in depth from the side of the mine car, and four feet wide, and not more than sixty feet apart, where haulage is done by draft animals.

(2) Special places of refuge are not required on haulage roads on which room necks or breakthroughs occur at regular intervals not exceeding sixty feet, and thus furnish places of refuge, or on haulage roads in which the track is so laid as to give a minimum clearance on one side of not less than thirty inches from the side of any haulage engine or any mine car, the clearance to be on the side of the road opposite that upon which electric wires are strung, if electric wires are strung in the road.

(3) No person shall travel on foot to or from work upon any slope used for haulage or upon any haulage road when other roads in proper condition for travel are available.

(4) On all main haulage roads where hauling is done by machinery the mine foreman shall provide a proper system of signals, and a conspicuous light on the front and the rear of every trip or train of cars when in motion in the mine.

(5) Man-trips shall be operated at safe speeds consistent with the condition of roads and type of equipment used and shall be so controlled that they can be stopped within the limits of visibility, in no event at a speed in excess of twelve miles per hour.

(6) Each man-trip shall be under the charge of a certified official, and it shall be operated independently of any loaded trip of coal or other material.

(7) Cars on the man-trip shall not be overloaded, and sufficient cars in good mechanical condition shall be provided.

(8) No person shall ride under the trolley wire unless suitably covered man-cars are used.

(9) No material or tools shall be transported in the same car with men on any man-trip and all persons shall ride inside of man-trip cars, except the motorman and brakeman or trip rider.

(10) Men shall not load or unload before the cars in which they are to ride or are riding come to a full stop, and men shall proceed in an orderly manner to and from man-trips.

(11) A waiting station shall be provided where men are required to wait for man-trips or man-cages. It shall have sufficient room, ample clearance from moving equipment, and adequate seating facilities.

(12) Trolley and power wires shall be guarded effectively at man-trip stations where there is a possibility of any person coming in contact with energized electric wiring while loading or unloading from the man-trip.

(13) Cars used for transporting men on slopes shall be equipped with a safety device capable of stopping the trip in

event of failure of the rope or couplings. Such device shall be approved by the chief of the department.

(14) Where belts are used for transporting men, a minimum clearance of eighteen inches shall be maintained between the belt and the roof or cross bars, projecting equipment, cap pieces, overhead cables, wiring, and other objects; but where the height of the coal bed permits, the clearance shall not be less than twenty-four inches.

(15) The belt speed shall not exceed two hundred fifty feet a minute while men are being transported, provided the chief may permit belt speeds to be increased or decreased when conditions warrant, and such belt shall be stopped while men are are boarding or leaving.

(16) The space between men riding on a belt line shall be not less than six feet.

(17) Loading and unloading stations shall be illuminated properly.

(18) A certified official or some other competent person appointed by the mine foreman shall supervise the loading and unloading of belts and man-trips.

(19) The chief of the department shall be empowered to draft additional rules and regulations providing for transportation of men when necessary.

Section 23. Section 352.160 of the Kentucky Revised Statutes is amended to read as follows:

In any mine that is not a gaseous mine but in which explosive gas can be detected by means of a flame safety lamp or where there is a known history of a gas ignition, it shall be designated as a gassy mine. The operator or superintendent shall employ first class mine foreman, first class assistant mine foremen, fire bosses or other qualified persons to carry out the requirements of this Act.

Section 24. Section 352.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) In any mine or section of a mine liberating explosive gas that might endanger the lives of persons employed in the mine the district mine inspector or, with the approval of the Chief of the department, may direct the operator or superintendent of the mine to work the mine exclusively by the use of approved safety lamps and approved electric lamps, and the operator or superintendent of the mine shall immediately carry out the directions when so approved.

(2) In mines where flame safety lamps and approved electric lamps are required to be used the lamps shall be in charge of some person designated by the operator or superintendent. Two flame safety lamps shall be kept at every coal mine whether the mine liberates explosive gas or not, if the district mine inspector and the chief deem it desirable. All mine foremen and fire bosses employed in gaseous mines shall, at all times, carry an approved flame safety lamp for the purpose of detecting the presence of explosive gas, the lamp to be kept lighted at all times when in use inside the mine.

(3) No person shall at any time carry into any mine any intoxicants and if the mine is worked by approved safety lamps and approved electric lamps no person shall at any time enter the mine or carry therein any matches, pipes, cigars, cigarettes or any device for making lights or fire not authorized or approved, and in all such mines the operator shall, at frequent intervals, search or cause to be searched any person entering or about to enter the mine or inside the mine, to prevent such person from taking or carrying therein any of the above-mentioned articles.

Section 25. Section 352.180 of the Kentucky Revised Statutes is amended to read as follows:

Whenever serious personal injury or loss of life occurs in a coal mine or in the machinery connected therewith or whenever a fire, explosion or other serious accident occurs, the superintendent of the mine, or if he is absent the mine foreman in charge of the mine, shall immediately give notice forthwith to the district mine inspector, stating the particulars of the accident, and

if anyone is killed thereby to the chief of the department. The district mine inspector shall immediately go to the scene of the accident and make such investigation and suggestions and render such assistance as he deems necessary for the future safety of the employes, investigate the cause of the fire, explosion or accident, make a record thereof, and forward it to the chief. The record shall be preserved with the other records of his office. To aid in making such investigations, the chief or the district mine inspector may compel the attendance of witnesses and administer oaths.

Section 26. Section 352.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The following shall apply to underground installations:

(a) On all haulage roads, landings and partings, where men are required to regularly work or pass under bare power wires placed less than six and one-half feet above the top of the rail, suitable protection shall be provided. This protection shall consist of channeling the roof, placing boards along the wires and extending below them, or the use of some other approved device that affords protection.

(b) All machine feed wires shall be placed on glass or porcelain insulators which shall be so placed as to prevent the wires coming in contact with the coal.

(c) When machine or feed wires are carried in the same entry as the trolley wire, they shall be placed on the same side as the trolley wire, between the trolley wire and rib, and shall be protected from contact therewith. Positive feed wires crossing places where persons or animals are required to travel shall be safely guarded or protected from such persons or animals coming in contact therewith, as provided in (a).

(d) All trolley and positive feed wires shall be placed on opposite sides of track from refuge holes or necks of room, when so ordered by the department, but wires, when protected as provided for in (a), may be placed across the necks of rooms. Switches or circuit breakers shall be provided to control the current at the mine, and all important sections in the mine.

(e) All power wires and cables in hoisting shafts or manway compartments shall be properly insulated, substantially fixed and well protected.

(f) Ground wires shall be at least one-fourth as large as the circuit wires, but not smaller than No. 6 B&S gauge.

(g) Extra length or long trailing cables preferably shall be spread out in long open loops on clean, well rock-dusted floor where the cable can be protected against mechanical injury, but cables in suspended long loops will be acceptable.

(h) Trailing cables with more than four temporary splices shall be removed from service and the splices improved before further use.

(i) Single conductor trailing cables shall not be used on cutting machines.

(j) Circuits of four hundred forty volts, three-phase alternating current shall be of insulated wire from transformers connected star-star. The cable shall contain a fourth wire from the center of the transformer star and be connected to the frame of the motor, preferably utilizing a ground trip protective relay.

(k) The frames of hand-held electrically driven tools shall be properly grounded, and they shall be provided with fuses or circuit breakers.

(l) All pump frames and all pipe lines shall be grounded to the rail or the grounding system at about two hundred-foot intervals.

(m) Cross-bonds shall be installed at about two hundred-foot intervals along the track.

(n) High voltage cables shall be installed in intake airways, shall have shielding grounded and be buried in a ditch, or otherwise protected against injury, subject to approval by the department.

(o) High voltage cables shall have disconnecting switches, overload protective devices and lightning arresters at, or near, the outside end of the cable.

(p) Inside substations shall have the approval of the department before installation. They shall be in a separate air current. Barriers shall be provided to contain oil that may leak from transformers.

(q) All mine locomotives shall be fused or otherwise protected at the switch or at the nip.

(r) Electric wiring for rubber belt conveyors shall be installed in an intake entry separate from the belt entry. Any necessary wiring, including wiring for lights, that is to be used in the belt entry, shall be carried from such adjoining entry directly to the point of use, and suitable fire-fighting equipment, such as rock dust, shall be located at strategic points along the rubber belt line, and proper type fire extinguishers shall be provided at the transfer points. The chief of the department may prescribe any other safety measures for the prevention and combating of mine fires as they pertain to rubber conveyor belts.

(s) Telephone lines shall be provided with lightning arresters where the lines enter the mine and at the boxes on the outside.

(t) Telephone lines crossing trolley wires shall be carefully protected.

(u) Insulating mats shall be placed in front of switchboards, beside stationary motors, in decks of locomotives, telephones, etc.

(v) Ground wires in trailing cables shall be tested periodically for open circuits and/or high resistance joints.

(w) Power circuits in tipples, buildings, cleaning plants, etc., and all inside electrical circuits should be de-energized when not in use over a long period.

(x) Where electric circuits cross over or pass under belt conveyors, the wiring shall be protected by conduit.

(y) The preceding provisions as pertain to the use of rubber belt conveyors shall apply only to installations which are made after the effective date of this Act, and if any operator is unable to comply with these provisions the department may

prescribe the conditions under which the installation shall be made.

(2) The following shall apply to surface installations:

(a) High voltage lines shall be at least fifteen feet above the ground and twenty feet high where there is a possibility of contact by traffic passing underneath.

(b) Protective barriers shall be provided between high voltage wires and telephone or trolley circuits, etc., in case of failure and falling of high tension line across such other circuits.

(c) On four-wire circuits, the fourth or neutral wire terminating at transformers, or elsewhere, shall be of substantial construction to minimize any possibility of the wire being cut in two or damaged mechanically.

(d) On low voltage circuits wires shall be supported on insulators, except when braided cables, made for use without insulators, are used, such as Romex, Loomex, etc. (trade names).

(e) Lightning arresters shall be installed on all direct current and alternating current circuits entering a mine, regardless of voltage. Overload protection and disconnect switches should also be provided.

(f) Every metallic building in which electricity is used or connected with any circuit shall be effectively grounded.

(g) All transformer tanks shall be effectively grounded.

(h) Switch boxes, contactors, controllers, etc. shall be kept free of dust accumulations.

(i) Transformer stations shall be housed or fenced in when lower than fifteen feet above the earth, and the fences shall be a minimum of six feet in height.

Section 27. Section 352.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) After the effective date of this Act in gaseous mines all electrical equipment purchased for use underground shall be of the permissible or flame-proof type.

(2) No person shall be placed in charge of electrical

equipment in any gaseous mine unless he is a competent person, capable of determining the safety of the roof and sides of the working places and detecting the presence of explosive gas. Operators of electrical face equipment shall undergo an examination to determine their fitness to detect explosive gas before they are permitted to have charge of electric face equipment, unless accompanied by a certified fire boss, or a person having passed such an examination. At gaseous mines safety committeemen, shotfirers, and others whose duty may require them to make examination for gas shall undergo and pass such examination or possess a first-class mine foreman's certificate or fire boss certificate before using a flame-safety lamp underground. The examination shall be given by the district mine inspector; blank forms therefor to be furnished by the department. A copy shall be retained on file at the mine office and the original shall be sent to the department fully made out and signed by the applicant and approved by the district mine inspector.

(3) In any gaseous mine, no electric face equipment shall be brought within the last breakthrough next to the working face until the operator has made an inspection for gas in the place where such equipment is to work, unless the examination is then made by some other competent person authorized and appointed for that purpose by the mine foreman. If any explosive gas is found in the place the electric equipment shall not be taken in until the gas is removed.

(4) While the electric equipment is operating at the face, an examination for gas must be made at not more than fifteen minute intervals. If gas is found the power shall be disconnected from the equipment and left disconnected until the gas is removed and the place reported safe by a certified official.

Section 28. Section 352.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) The use of black powder, either granular or in pellet form, and the use of dynamite for firing shots is prohibited in all underground coal mines in the State of Kentucky.

(2) Explosives shall be fired only by electric detonators of the proper strength except as provided for in Section 29 of this Act.

(3) When blasting is done electrically, only permissible single shot blasting units or permissible multiple shot blasting units shall be used unless blasting is done from the surface or by other means approved by the chief of the department.

(4) Individual containers used to carry permissible explosives or detonators underground shall be constructed of substantial nonconductive material. The container shall be closed and maintained in good condition. When explosives or detonators are transported underground by locomotive, rope, or shuttle car, they shall be in covered cars or in special containers.

(a) The bodies and covers of special cars and the containers shall be constructed of nonconductive material.

(b) If explosives and detonators are hauled in the same explosives car or in the same special container, they shall be separated by at least a four inch substantially fastened hardwood partition or the equivalent.

(c) Cardox shells shall not be carried on man-trips.

(d) Where quantities of explosives and detonators are transported in special cars or in special containers in cars, they shall be hauled on a special trip, not connected to any other trip, and shall not be hauled into or out of a mine within five minutes preceding or following a man-trip or any other trip. When traveling with the air current, the explosive trip shall precede the man-trip; when traveling against the air current, the man-trip shall precede the explosive trip.

(5) Explosives and detonators shall be transported underground by belt only under the following conditions:

(a) In the original and unopened case, in special closed cases constructed of nonconductive material, or in suitable individual containers.

(b) Ample clearance shall be provided when transported by belt.

(c) Suitable loading and unloading stations shall be provided.

(d) There shall be an attendant at loading and unloading points and stop controls at these points.

(6) Explosives or detonators shall not be transported on flight or shaking conveyors, or by scraper or mechanical loading machines.

(7) Underground section boxes or magazines shall be of substantial construction and placed in a crossout or idle room neck at least twenty-five feet from roadways or trolley wires and in a reasonably dry and well rock-dusted place; and when such section boxes or magazines are used, the explosives and detonators shall be kept in separate boxes or magazines, or if kept in the same box they shall be separated by at least a four inch substantially fastened hardwood partition or the equivalent. Not more than a forty-eight hour supply of explosives, including any surplus remaining from the previous day, shall be stored underground in such boxes or magazines. Explosives kept near the working faces in individual containers shall be kept not less than fifteen feet from rail or power lines and in a location out of line of blast where they will not likely be subjected to shock. Detonators shall be kept in a separate container under similar conditions. Explosives and detonators shall be kept in their containers fifteen feet apart until removed for use at the working faces.

(8) Boreholes in coal shall not be drilled beyond the back of the cut, nor into the solid rib, roof or floor.

(9) Boreholes shall be cleaned and checked to see that they are placed properly and are of correct depth, in relation to the cut, before being charged.

(10) To prevent blowthroughs, all portions of the boreholes, where the height of the coal permits, shall have a burden in all directions of at least eighteen inches before being fired.

(11) Boreholes shall be stemmed with at least twenty-four inches of incombustible material, or at least two-thirds of the length of the hole shall be stemmed.

(12) Examination for gas shall be made immediately before and after firing each shot where on-shift shooting is done in gaseous mines.

(13) When blasting coal, charges exceeding one and one-half pounds, but not exceeding three pounds, shall be used only if boreholes are six feet or more in depth, and explosives are charged in a continuous train, with no cartridges deliberately deformed or crushed, with all cartridges in contact with each other, and with the end cartridges touching the back of the hole and the stemming, respectively.

(14) Shots shall be fired by qualified shot firers.

(15) In mines where shooting is done on shift, all shots or series of shots shall be fired immediately after charging.

(16) Only wooden tamping bars shall be used when charging holes.

(17) Leg wires of electric detonators shall be kept shunted or the ends twisted together until ready to connect to the firing cable.

(18) Shots shall not be fired from the power or signal circuit while any men are in the mine.

(19) Roof and faces of working places shall be tested before and after blasting on shift.

(20) Ample warning shall be given before shots are fired, and care shall be taken to ascertain that all persons are in the clear. Men shall be removed from adjoining working places when there is danger of a shot blowing through.

(21) Mixed charges shall not be charged or fired in any borehole.

(22) Adobe (mudcap) or other open, unconfined shots shall not be fired in any mine.

(23) Blasting cables shall be well insulated and as long as may be necessary to permit the shot firer to get in a safe place around a corner, short-circuited at the battery end until ready to attack to the blasting unit, staggered as to length or kept well separated when attached to the detonator leg wires, and kept clear of power wires and all other possible sources of active or stray currents.

(24) Where misfires occur with electric detonators, a

waiting period of at least five minutes shall elapse before anyone returns to the shot. After such failure, the blasting cable shall be disconnected from the source of power and the battery end short-circuited before electric connections are examined. If fuse is used a waiting period of twelve hours shall elapse before returning to the face. Explosives shall be removed by firing a separate charge at least two feet away from, and parallel to, the misfired charge or by washing the stemming and the charge from the borehole with water, or by inserting and firing a new primer after the stemming has been washed out. A very careful search of the working place, and, if necessary, of the coal after it reaches the tipple shall be made after blasting a misfied hole, to recover any undetonated explosive. The handling of a misfired shot shall be under the direct supervision of the foreman or a competent person designated by him.

(25) The provisions governing the handling, storage, and transportation of explosives shall apply to the heater elements of Cardox blasting devices prior to their installation in the shells. Charged Cardox shells shall be transported underground in insulated cars or in insulated boxes placed in ordinary mine cars except where transported on rubber belts and shall be stored on wooden racks, built for that purpose, in a crosscut or an idle room neck, at least ten feet from power lines and haulage tracks. Where Cardox is used for blasting, the following shall apply:

(a) Cardox shells need not be tamped or stemmed.

(b) When Cardox is fired, all persons in the vicinity, including the shot firer, shall be around a second corner or in an equally safe place.

(c) Blasting cables shall be as long as may be necessary to assure the safety of the shot firer, attached only after the charge has been placed in the borehole, and maintained in good repair.

(d) The charge shall be detonated with a permissible shot-firing unit.

(e) Cardox shall not be shot off the solid, over heavy rock binders or shale, or in a "tight" shot.

(f) Cardox misfires caused by the failure of the disk to rupture shall not be removed from the hole until after the lapse of five minutes and shall be handled under the supervision of a foreman or other competent designated person.

(g) Misfired shells shall be bled off promptly and marked conspicuously upon removal from the hole.

(26) Where Airdox is used for blasting or breaking down the coal, the following shall apply:

(a) Compressed air shall be conducted from the compressor to within a practical working distance of the face by steel air lines tested to withstand an approximate pressure of twenty thousand pounds a square inch.

(b) Air lines shall be grounded at the compressor and, if possible, at other low-resistance ground connections along the lines, such as at borehole casings. They shall not be connected in any way to tracks, water lines, or other electric power return conductors and shall be suitably insulated where they cross electric wires or underneath the track.

(c) Unions shall be installed in steel air lines at not more than one-thousand foot intervals.

(d) Shut-off valves shall be installed every one thousand feet in all Airdox lines and, in all branch lines, at a point near the main lines.

(e) Airdox lines shall be protected at places where equipment passes over, under, or adjacent to them.

(f) Steel or copper lines shall not be handled or repaired when air pressure is in the line.

(g) Air lines shall be examined periodically for kinks or other weaknesses and replaced immediately when defects are found.

(h) Copper tubing shall be coiled and uncoiled properly. The part of the tubing that is affected by frequent coiling and uncoiling shall be renewed periodically because of the dangers from kinks and crystallization.

(i) Blow-down valves shall not be less than forty-five feet from the face and shall be around a right angle.

(j) Holes for Airdox tubes shall not be drilled on the solid.

(k) The Airdox tube shall be pushed to the back of the drill hole and then withdrawn six to twelve inches to form an air cushion.

(l) When blow-down valves are opened to discharge the Airdox tube, they shall remain open until time to place the tube in the next borehole.

(m) After the breaking down of the coal in any one place, the tube shall be disconnected at once from the air line and not reconnected until ready to be used in the next place.

(n) When an Airdox tube fails to discharge, the copper line leading to the tube shall be disconnected at the blow-down valve, and the tube shall be dragged by means of the copper line to an abandoned place, marked with warning signs, and left for twelve hours before any repair work is done thereon.

(o) All persons shall be removed from adjoining working places where there is danger of breaking through and shall be at a safe distance around a right angle, while coal breaking is in progress.

Section 29. Section 352.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any operator of a coal mine may employ practical and experienced persons as shot firers to prepare the cartridge and set off and discharge the shots.

(2) The department may require the operator to employ practical and experienced persons as shot firers and may prescribe the conditions under which blasting may be carried on and the kind of explosives that shall be used.

(3) Shot firers shall at all times be under the direction of the mine foremen.

(4) The district mine inspector may prescribe the conditions under which solid shooting may be done in any mine, and in non-gaseous mines the district inspector may permit the use

of fuse and fuse type detonators of proper strength to be used in connection with permissible explosives in solid shooting.

Section 30. Section 352.280 of the Kentucky Revised Statutes is amended to read as follows:

In all gassy or gaseous mines the operator or superintendent shall employ one or more certified fire bosses or other properly certified persons. The fire boss or other properly certified person shall examine carefully within three hours before each shift enters the mine, every working place, all places adjacent to live workings, every roadway, every unfenced road to abandoned workings, and all falls in the mine. Before proceeding with the examination he shall see that the air current is traveling its proper course. In making the examination he shall use an approved safety lamp. The fire boss or other properly certified person shall examine for all dangers in all portions of the mines under his charge, and after examination he shall leave at the face of every place examined the date of the examination and his initial as evidence that he has performed his duty. He shall also examine the entrances to all worked-out and abandoned portions adjacent to the roadways and working places under his charge where explosive gas is likely to accumulate, and he shall place a danger signal across the entrance to every place where explosive gas is discovered or where immediate danger is found to exist from any other cause. The signal shall be sufficient warning for persons not to enter. When the mine is idle and workmen are required to go into the mine, the section, portion or part of mine entered if gassy or gaseous must be inspected by a fire boss or other properly certified person within three hours before the workmen enter.

Section 31. Section 352.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) Where six or more persons are employed in a commercial coal mine in a period of twenty-four hours, the operator shall employ a certified mine foreman therein to properly carry out the plans and rules when approved by the chief of the department and to see that the mining law is complied with. If explosive gas can be detected with a flame safety lamp or one in which there is a record of methane having been ignited the

operator shall employ a mine foreman of the first class. If explosive gas is not present and there is no record of an ignition the operator may employ a mine foreman of the second class.

(2) When the mine workings become so extensive that the mine foreman is unable personally to carry out the duties required of him by law, the operator or superintendent shall employ a sufficient number of persons holding suitable certificates of qualifications to act as assistants to the mine foreman, and under his instructions.

Section 32. Section 352.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) The mine foreman shall notify, in writing, the operator or superintendent of the mine of his inability to comply with any of the requirements of the mining laws, and the operator or superintendent shall at once attend to the matter complained of by the mine foreman so as to enable him to comply with the mining laws.

(2) The mine foreman shall each day enter and sign plainly with ink or indelible pencil, in a book provided for that purpose, a report of the condition of the mine. The report shall clearly state any danger that comes under his observation during the day or is reported to him by his assistants or by the fire bosses, and shall state whether or not there is a proper supply of material on hand for the safe working of the mine, and whether or not the mining laws are being complied with. The mine foreman shall each day read carefully, and countersign with ink or indelible pencil, all reports entered in the record book of the fire bosses.

(3) The mine superintendent, mine foreman and assistant foreman shall be held jointly responsible for the immediate compliance of the inspector's recommendations.

Section 33. Section 352.360 of the Kentucky Revised Statutes is amended to read as follows:

(1) The mine foreman shall see that breakthroughs are made as required by law, and shall see that ventilation is conducted by means of the breakthroughs through the rooms by

means of check doors or curtains placed on the entries or other suitable places, and shall not permit any room to be opened in advance of the ventilating current.

(2) At least once each week while the mine is in operation the mine foreman, or some certified person designated by the mine foreman, with an anemometer furnished by the operator, shall measure the air current at the inlet and outlet and at or near the faces of the advanced headings, and shall keep a record of such measurements in a book furnished and having a form prescribed by the chief of the department.

(3) The mine foreman shall see that signboards directing the way to outlets or escapeways are conspicuously placed throughout the mine.

Section 34. Section 352.370 of the Kentucky Revised Statutes is amended to read as follows:

When any working place approaches within one hundred feet of any abandoned workings which cannot be inspected and may contain dangerous accumulations of water or gas, and of which a map is available, boreholes shall be kept at least twenty feet in advance of the face and forty-five degree angle rib-holes shall be drilled at least twenty feet deep. These holes shall not be more than eight feet apart. If no map is available the boreholes shall be started when the working places are within two hundred feet of where the abandoned workings are supposed to be.

Section 35. Section 352.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) The operator or superintendent of every coal mine shall furnish the district mine inspector proper facilities for entering the mine and making examinations or obtaining information.

(2) If any inspector discovers that any mine does not conform to the provisions of Chapters 351 and 352 in respect to appliances for the safety of employes, or that by reason of any defect or practice in or about the mine the lives or health of persons employed therein are endangered, he shall immediately

notify the operator or superintendent thereof, orally and in writing, stating the particulars in which he considers the mine to be defective or dangerous, and if he deems it necessary for the protection of the lives and health of the persons employed in the mine he shall withdraw the men from the mine. The operator or superintendent shall have the right to appeal to the chief of the department from the closing of the mine.

(3) The owner or operator of any mine so closed may by petition apply to the circuit court of the county where the mine is located, or to the judge thereof in vacation, for an order directing the mine to be reopened, and the court or judge shall immediately hear and determine the matters arising upon the petition. If, upon full hearing thereof, the court or judge finds that the mine is in a reasonably safe condition, the prayer of the petition shall be granted.

(4) Notice of the hearing shall be given to the district mine inspector and the chief of the department at least three days before the hearing, and in all such hearings the Attorney-General, the Commonwealth's attorney or the county attorney of the circuit court district or county in which the mine is situated shall appear for the state and defend the action.

Section 36. Section 352.470 of the Kentucky Revised Statutes is amended to read as follows:

(1) The correctness of each map provided for by KRS 352.450 or 352.460 shall be certified to by a professional engineer registered in Kentucky, and KRS 322.240 requires that plats, etc. be stamped with his seal. The certification shall read as follows:

"I, the undersigned, hereby certify that this map is correct, shows to the best of my knowledge and belief all the information required by the mining laws of this state, and covers the period ending _____, Engineer
"Acknowledged before me, a _____,
this _____ day of _____"

_____
_____SEAL

(2) The chief of the department may reject any map as incomplete if its accuracy is not so attested.

Section 37. Section 352.490 of the Kentucky Revised Statutes is amended to read as follows:

(1) No owner or tenant of any land containing coal shall engage in mining within twenty-five feet of the line dividing the land owned or held by him from that of another person, without the written consent of every person interested in or having title to the adjoining land in possession, reversion or remainder, or the guardians of such of those persons as are infants. The owner or tenant must also have the approval of the chief of the department.

(2) Any person who violates subsection (1) shall be liable in the sum of five hundred dollars to the persons injured, and the persons injured may also pursue all other remedies provided by law for the recovery of damages for injury to their property.

Section 38. Section 352.590 of the Kentucky Revised Statutes is amended to read as follows:

(1) No employer shall require any employe to deal with or purchase merchandise of any kind from any person or at any place.

(2) No such employer shall exclude from work, punish or blacklist any employe for failure to deal with or purchase merchandise of any kind from any person or at any place.

Section 39. Whereas, the existing laws of this state regulating the conduct of mining operations are deemed insufficient in their purpose of assuring safe working conditions for the persons employed in such mines; and

Whereas, it is deemed expedient that the Department of Mines and Minerals be given, as soon as possible, the authority conferred by this Act to require compliance with the provisions hereof in order to assure safe working conditions for the persons employed in such mines;

An emergency is hereby declared to exist, and this Act shall become a law immediately upon its passage and approval by the Governor.

The Committee to which said bill had been referred offered the following amendments, as follows, viz:

Amendment No. 1 is as follows:

on page1, section 1, line 11

By adding the word "sale," the word "commercial use."

Said motion was agreed to and said amendment was adopted.

Amendment No. 2 is as follows:

on page 1, section 1, line 11

Add the following sentence:

"This term shall in no instance be construed to include a farm mine where coal is produced for own use."

Said motion was agreed to and said amendment was adopted.

Amendment No. 3 is as follows:

on page 6, section 4, line 39 etc.

By inserting the words "the use of explosives, electrical and mechanical equipment in" and so that when amendment same shall read:

(1) The Chief of the Department may prescribe reasonable safety standards governing the use of explosives, electrical and mechanical equipment in the operation of open-pit or surface mines.

Said motion was agreed to and said amendment was adopted.

Amendment No. 4 is as follows:

on page 6, section 4, line 41

Add sub-section (12) as follows:

"The Chief of the Department of Mines and Minerals shall have the power and authority to adopt, amend, or rescind such rules, regulations, and standards as he deems necessary and suitable for the proper administration of the Department of Mines and Minerals. Rules, regulations, and standards may be adopted, amended, or rescinded by the Chief of the Department of Mines and Minerals only after public hearing or an opportunity to be

heard thereon of which proper notice has been given. Proper notice shall be considered to have been given when published in two newspapers of state-wide circulation and a lapse of ten days from the date of such publication. Such rules, regulations, and standards so adopted shall carry the full force and effect of law. This provision shall not be applicable to rules, regulations and standards in effect at the time of the approval of this act by the Governor."

Said motion was agreed to and said amendment was adopted.

Amendment No. 5 is as follows:

on page 14, section 13, line 21

Add the following:

"If a scale inspection is requested, and the scales are found to be in tolerance, the party making the request shall be required to pay for such inspection. The accepted tolerance shall be the tolerance established by the law of the Commonwealth of Kentucky."

Said motion was agreed to and said amendment was adopted.

Amendment No. 6 is as follows:

on page 14, section 14, line 9

Insert the word "printed" before form.

Said motion was agreed to and said amendment was adopted.

Amendment No. 7 is as follows:

on page 15, section 14, line 16

Delete the sentence and substitute in lieu thereof the following sentence:

"When the annual report of the operator and the annual mine map, as required by this act are properly submitted, to the department, the license shall be issued."

Said motion was agreed to and said amendment was adopted.

Amendment No. 8 is as follows:

on page 15, section 14, line 21

After the word "lessee" insert the following "operating a mine and"

Said motion was agreed to and said amendment was adopted.

Amendment No. 9 is as follows:

on page 16, section 2, line 24

Strike the word "and" and on page 16, section 2, line 25 after the word "headings" add the following:

"and through the last open break through."

Said motion was agreed to and said amendment was adopted.

Amendment No. 10 is as follows:

on page 18, section 15, line 82

Add the following sentence:

"A period of not more than ninety days from date of nitification shall be allowed to make the changes required."

Said motion was agreed to and said amendment was adopted.

Amendment No. 11 is as follows:

on page 19, section 16, line 43 sub-section (5)

Add after the word "mine" the following words "or a section or sections"; and line 45, after the word "mine" the following words "or from the affected section or sections"; and page 20, line 46, after the word "mine," add the following words "or the affected section or sections."

Said motion was agreed to and said amendment was adopted.

Amendment No. 12 is as follows:

on page 21, section 17, line 18 sub-section 2

After the word "certain" and before the word "conditions," add the word "special."

Said motion was agreed to and said amendment was adopted.

Amendment No. 13 is as follows:

on page 26, section 22, line 32 sub-section 6

After the word "man-trip" add the following words "consisting of more than one mine car of men."

Said motion was agreed to and said amendment was adopted.

Amendment No. 14 is as follows:

on page 26, section 22, line 39 sub-section (9)

After the word "tools" add the following words "except small hand tools" and line 40, after the word "man-trip," add the following words "unless in a separate, enclosed compartment of the car."

Said motion was agreed to and said amendment was adopted.

Amendment No. 15 is as follows:

on page 27, section 15, line 66

After the word "warrant," place a period, and strike out the remainder of the paragraph, and in lieu thereof, add the following:

"Such belt shall be stopped while men are boarding or leaving, unless the speed does not exceed one hundred and seventy-five feet per minute and the clearance from floor to roof is not less than four feet and ten inches at points of loading and unloading."

Said motion was agreed to and said amendment was adopted.

Amendment No. 16 is as follows:

on page 31, section 26, line 37 sub-section (h)

Strike the word "four" and substitute in lieu thereof the word "six."

Said motion was agreed to and said amendment was adopted.

Amendment No. 17 is as follows:

on page 31, section 26, line 52 sub-section (1)

strike the comma and add the following "except non-metallic pipes, or pipes using insulated type couplings or pipes installed remotely from track or pwoer systems."

Said motion was agreed to and said amendment was adopted.

Amendment No. 18 is as follows:

on page 33, section 26, line 101 sub-section 2a

After the word "feet" add the words "or more."

Said motion was agreed to and said amendment was adopted.

Amendment No. 19 is as follows:

on page 34, section 27, line 4

After the word "for" add the word "face"

Said motion was agreed to and said amendment was adopted.

Amendment No. 20 is as follows:

on page 38, section 28, line 84

After the word "other" strike the balance of the sentence and substitute thereof the following "and with the hole stemmed solidly for a depth of at least twenty-four inches."

Said motion was agreed to and said amendment was adopted.

Amendment No. 21 is as follows:

on page 44, section 31, line 3

strike the word "six" and substitute in lieu thereof the word "nine"

Said motion was agreed to and said amendment was adopted.

Amendment No. 22 is as follows:

on page 47, section 35, line 14 sub-section (2)

After the word "the", insert the word "immediate."

Said motion was agreed to and said amendment was adopted.

Amendment No. 23 is as follows:

on page 49, section 38, line 3

Delete paragraphs (1) and (2).

Said motion was agreed to and said amendment was adopted.

Amendment No. 24 is as follows:

on page 49, section 39, line 1

by deleting the numeral "39" immediately following the word "Section" and substituting in lieu thereof the numeral "40"

Said motion was agreed to and said amendment was adopted.

Amendment No. 25 is as follows:

on page 49,

By inserting between line 8 of Section 38 and line 1 of Section 39 the following:

"Section 39. (1) It is the intent of the General Assembly that all the provisions of KRS Chapters 351 and 352 concerning coal mines and coal mining be extended to and shall apply to clay mines and clay mining and for that purpose, wherever the word "coal" or "coal mine" is used in those chapters it shall include "clay" or "clay mine."

(2) Chapter 354 of the Kentucky Revised Statutes is repealed."

Said motion was agreed to and said amendment was adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "shall the Main Question be now put?"

Ordered that said bill be engrossed and read at length for the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Henry J. Giles	Louis T. Peniston
Dr. John Adkins, Jr.	Chas. M. Greene	Hobart Rayburn
J. Everett Bach	Eugene B. Hancock	Tipton Reed
Sidney Baer	George F. Harris	J. F. Robinson
John Rea Banton	John Head	Earl Rogers
Clarence J. Barnum	Farmer Helton	Joe Rouse
Owen Billington	William K. Henry	Cecil Sanders
Wm. W. Blanton	Thomas D. Hewlett	Clem Schroader
R. O. Blevins	Henry R. Heyburn	Gus F. Sheehan, Jr.
J. C. Bradley	Chester J. Holsclaw	Dr. B. F. Shields
Edw. T. Breathitt	William M. Horn	John A. Sloan
Edward O. Bridgers	Paul S. Jonas	E. A. Spencer
Alex H. Calvert	William L. Jones	Mrs. Thelma Stovall
Walter J. Chyle, Jr.	Jennings Kearby	Egbert V. Taylor
Lewis W. Combest	Jesse H. Lawrence	William F. Threlkeld
Marvin A. Cornett	Paul M. Lewis	Marion Vance
R. Josh Cosby	Harry K. Lowman	J. B. Veech
Charles M. Crowe	Shelby McCallum	Eulick (Mike) Walsh
J. C. Denney, Jr.	Russell L. Meadows	Wm. Thos. Wathen
C. E. Dowell	Tom Mobley	Hicks Wells
James A. Dressman, Jr.	Robert H. Moore	William B. Wells
Thomas R. Duncan	Walter R. Moorman	W. A. (Pete) Wickliffe
Jack Early	Earl F. Murphy	Charles W. Wirsch
Harold Edwards	Thomas J. Murphy	Walker H. Wiseman
Herbert Fern	Ewin C. Neville	Garrett L. Withers
Wm P. Friedlander	Bart N. Peak	

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Those who voted in the negative were—

Thomas L. Britton	Leslie Gay	Amos Runyon
R. L. Dunigan	Henry C. Hale	E. H. (Ted) Stumbo
William Engle	Ray Holbrook	Morris Weintraub
Roscoe Estep	James W. Lambert	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

REPORT OF THE ENROLLMENT COMMITTEE

Mr. Henry on the Committee on Enrollment to which the same had been referred, reported that they had examined and found to be correctly enrolled, a bill of the following title, viz:

S. B. No. 40. AN ACT changing the classification of the City of Jeffersontown in Jefferson County.

Thereupon, all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the Enrolling Clerk return said bill to the Senate.

Mr. Lowman moved that H. B. 168 be recommitted to the Committee on Courts and Legal Procedure.

Said motion was agreed to.

the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 113. AN ACT relating to Education.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 156.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Education shall consist of the State Board of Education and the Superintendent of Public Instruction, who shall be the head of the Department.

(2) The Department of Education shall exercise all the administrative functions of the state in relation to the management and control of the public common schools, of vocational education and rehabilitation of West Kentucky Vocational School, and of the Kentucky School for the Blind.

(3) The Board of Commissioners of the Kentucky School for the Deaf and the State Textbook Commission are included

in the Department of Education and constitute divisions thereof, but each shall continue to exercise all the functions conferred upon it by law.

Section 2. Section 156.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Board of Education shall have the management and control of the common schools, public vocational education and vocational rehabilitation, West Kentucky Vocational School, and the Kentucky School for the Blind.

(2) The State Board of Education may, on the recommendation and with the advice of the Superintendent of Public Instruction, prescribe, print, publish and distribute at public expense such rules, regulation, courses of study, curriculums, bulletins, programs, outlines, reports and placards as it deems necessary for the efficient management, control and operation of the schools under its jurisdiction. All rules and regulations of the board shall be published before they will be deemed in full force and effect.

(3) In its capacity as a board of control for the West Kentucky School, the board may receive by any legal mode of conveyance, and hold and enjoy, property of any description.

Section 3. Section 156.130 of the Kentucky Revised Statutes is amended to read as follows:

The Superintendent of Public Instruction shall be the executive officer of the State Board of Education in its administration of all public education placed under its management and control, and shall perform such duties as are assigned to him by the board. He shall be responsible for the administration of the Department of Education. He shall execute, under the direction of the State Board of Education, the educational policies decided upon by the board, and shall direct, under general rules and regulations adopted by the board, the work of all persons engaged in the administration of the common schools and public vocational education and vocational rehabilitation. He may clothe his assistants with full power of attorney to act for him in the supervision, inspection and administration of the schools over which he has supervisory and administrative control.

Section 4. Section 156.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Superintendent of Public Instruction shall annually prepare or cause to be prepared, and submit for approval and publication by the State Board of Education, a list of all public and private high schools or other secondary schools in the state, showing the classification of each.

(2) He shall, from time to time, prepare or cause to be prepared, and submit for approval and publication by the State Board of Education, such bulletins, programs, outlines of courses, placards, and courses of study as he deems useful in the promotion of the interest of the public schools, vocational education and vocational rehabilitation.

(3) He shall also prepare for publication by the State Board of Education the rules, regulations, minimum standards for schools and educational policies or programs adopted by the board for the operation, regulation and government of the schools under its supervision.

Section 5. Section 164.010 of the Kentucky Revised Statutes is amended to read as follows:

There shall be a Council on Public Higher Education in Kentucky, to be composed of the president or chief executive officer of the University of Kentucky, Eastern Kentucky State College, Western Kentucky State College, Murray State College, Morehead State College and Kentucky State College; a member, other than the Superintendent of Public Instruction, of the board of regents of each of the state colleges to be selected by the board of regents of each state college; three appointive members of the board of trustees of the University of Kentucky to be selected by the board of trustees of the University; two lay members of the State Board of Education to be selected by the State Board of Education; the dean of the College of Education of the University of Kentucky; and the Superintendent of Public Instruction, who shall be chairman of the Council. When the Council meets to consider curricula for teacher training, three persons who are from accredited institutions of higher learning, who are not members of the Council, and who have

been appointed by the Executive Committee of the Association of Kentucky Colleges and Universities, shall be invited to meet with the Council in an advisory capacity.

Section 6. The introductory phrase and subsection (1) of Section 164.020 of the Kentucky Revised Statutes is amended to read as follows:

The Council on Public Higher Education in Kentucky shall:

(1) Coordinate the work and determine the curricular offerings of the state institutions of higher learning in Kentucky, on the basis of efficiency and economy.

Section 7. Section 164.030 of the Kentucky Revised Statutes is amended to read as follows:

The governing board of each of the state institutions of higher learning shall make such changes or adjustments in the curricula and such rules and regulations affecting their schools as are necessary to carry out and put into effect the rulings of the Council on Public Higher Education in regard to curricula offerings, entrance fees and qualifications for admission to and reports from their respective institutions.

Section 8. Section 164.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) The state colleges formerly designated as the state teachers colleges shall hereafter be known as the Eastern State College, located at Richmond, Kentucky, Western Kentucky State College, located at Bowling Green, Kentucky, Murray State College, located at Murray, Kentucky, and Morehead State College, located at Morehead, Kentucky, and under such names are recognized as established and maintained.

(2) Kentucky State College located at Frankfort, Kentucky, is a land-grant state college and, as such, all the provisions of KRS Chapter 164, with the exception of the provision of KRS 164.320 concerning the appointment of the initial board of regents, applying to the other four state colleges shall likewise apply to Kentucky State College.

Section 9. A new section of the Kentucky Revised Statutes, to be numbered 164.305, is created to read as follows:

The Kentucky State College shall maintain a department of agriculture and the mechanic arts, and for that purpose is entitled to receive and shall receive an equitable portion of the money appropriated to the state by an Act of Congress approved August 30, 1890.

Section 10. Section 164.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board of regents for each of the state colleges shall consist of the Superintendent of Public Instruction, who shall be chairman of each board, and four members appointed by the Governor. The appointive members shall hold office for a term of four years from April 1 succeeding their appointment and until their successors are duly appointed and qualified. The appointments shall be made at the expiration of the terms of the members appointed pursuant to Chapter 65 of the Acts of 1934, and thereafter as the terms expire. Not more than two appointive members of any board shall be residents of one county, and not more than three members of any board, including the Superintendent of Public Instruction, shall belong to the same political party. No member of any board shall be held to be a public officer by reason of his membership on the board, nor shall membership on the board be incompatible with any public office. Appointments to fill vacancies shall be made in the same manner as regular appointments. The person appointed shall hold the position for the unexpired term. Each appointed member of each board shall, at the first meeting following his appointment, take an oath to faithfully discharge his duties.

(2) Forthwith upon the taking effect of this Act, the Governor shall appoint four members of the Board of Regents of Kentucky State College. One member shall serve until April 1, 1953, one until April 1, 1954, one until April 1, 1955, and one until April 1, 1956. Thereafter members shall serve for terms of four years and until their successors are appointed and qualify.

Section 11. Section 164.480 of the Kentucky Revised Statutes is amended to read as follows:

Every person who was engaged in any branch of the military or naval service of the United States, prescribed and classified by the United States War Department as a part of such service, during the wars that were declared on April 6, 1917, and any wars declared thereafter, respectively, and who at the time of his enlistment was a resident of Kentucky, is entitled to a free scholarship in any state higher educational institution that he chooses for a period required for the completion of the course of study selected by him. The scholarship includes free utition, matriculation and other fees, room rent, fuel and lights, and the advantages and privileges of the institution, but does not include free board. Provided, however, that if the Federal Government provides for the education of veterans of any of the wars herein referred to, then this section shall not apply to such veterans.

Section 12. Section 164.520 of the Kentucky Revised Statutes is amended to read as follows:

The bond issued by the Commissioners of the Sinking Fund to themselves as trustees for the Agricultural and Mechanical College of Kentucky and the State Normal School for Colored Persons of Kentucky, bearing date July 1, 1897, for the sum of $165,000 and bearing interest at the rate of six percent, payable semiannually, remains in force and constitutes a perpetual obligation of the Commonwealth, and the interest thereon is a perpetual charge upon the treasury. The Department of Finance shall, on the first day of January and on the first day of July each year, draw its warrant on the State Treasurer for the sum of $627.75 in favor of the treasurer of Kentucky State College, and its warrant rant on the State Treasurer for the sum of $4,322.25 in favor of the treasurer of the University of Kentucky.

Section 13. Section 166.010 of the Kentucky Revised Statutes is amended to read as follows:

The West Kentucky Vocational School, located at Paducah, is recognized as established and maintained. It shall be maintained by the state with such endowments, incomes, buildings and equipment as will enable it to do such work as is done in other institutions of corresponding rank and kind. The State Board of Education is vested with all powers and duties, not in-

consistent with this chapter, held by the former board of trustees of the Western Kentucky Industrial College, and with all records and property held by such board or acquired by the State Board of Education for the benefit of the institution recognized by this section.

Section 14 Section 166.040 of the Kentucky Revised Statutes is amended to read as follows:

The purpose of the West Kentucky Vocational School is to make available facilities for vocational training for colored children to be carried on in accordance with the state plans for vocational education.

Section 15. Section 166.050 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education shall appoint a president for the West Kentucky Vocational School, and determine his salary and tenure of office. The term shall not exceed four years. Upon recommendation of the president, the State Board of Education shall appoint and determine the salaries, duties and official relations of all officers, teachers and other employees necessary for the successful operation of the school.

Section 16. Section 166.060 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education may remove the president, and upon recommendation of the president shall remove any officer, teacher or other employee, but neither the president nor any other o;fficer or teacher shall be removed except for incompetency, neglect of or refusal to perform his duty, or for immoral conduct. Neither the president nor any other officer or teacher shall be removed until after ten days' notice in writing stating the nature of the charges preferred, and until after an opportunity has been given him to make defense before the board by counsel or otherwise, and to introduce testimony which shall be heard and determined by the board.

Section 17. Section 166.070 of the Kentucky Revised Statutes is amended to read as follows:

In the administration of the affairs of the West Kentucky Vocational School the president of the institution is the executive agent of the State Board of Education, and has general supervision, subject to the control of the board, of all educational and business affairs and disciplinary problems of the institution.

Section 18. Section 166.080 of the Kentucky Revised Statutes is amended to read as follows:

The secretary of the State Board of Education shall serve as secretary of the board and the State Treasurer shall serve as treasurer of the board in its administration of the West Kentucky Vocational School. The secretary shall prepare and keep all records, books and papers belonging to the board in its administration of said school. He shall keep a journal of the proceedings of the board in which, if requested by any member of the board, the "yeas" and the "nays" on all questions shall be entered. He shall prepare, under the direction of the board, all reports and estimates.

Section 19. Section 166.090 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education shall meet at least once each year at the West Kentucky Vocational School for the purpose of inspecting the plant and observing the work and the needs of the school.

Section 20. Section 166.100 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education may purchase, hold and sell real and personal property in the name of the Commonwealth for the use and benefit of the West Kentucky Vocational School and may condemn real estate in the manner provided by KRS 416.010 to 416.080. The board may construct improvements and do all things it deems necessary in carrying out the purposes for which the school is maintained. Revenue accruing by reason of the sale or conveyance of any real estate or building owned by it shall be reinvested in other real estate and buildings for use of the school. All appropriations, grants, bequests or donations for a specified use shall be applied to that use and no other.

Section 21. Section 166.110 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education shall adopt such rules and regulations as it deems proper for the government of the West Kentucky Vocational School and for the guidance of its employees and students. It may require of the president, teachers or other officers such reports as it deems necessary. All existing rules and regulations made by the preceding board of trustees shall remain in force until repealed by order of the State Board of Education.

Section 22. Section 166.120 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education may determine the number of departments of study, and shall prescribe the curricula for the West Kentucky Vocational School. The board may issue certificates or diplomas of graduation to students completing the prescribed curricula.

Section 23. Section 166.140 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education may invest the faculty or a committee of the faculty with power to suspend or expel any pupil for insubordination, immoral conduct, or disobedience of the rules and regulations of the school. The student suspended or expelled may appeal from the decision of the faculty, to the State Board of Education. The decision of the State Board of Education shall be final.

Section 24. Section 166.150 of the Kentucky Revised Statutes is amended to read as follows:

Tuition in the West Kentucky Vocational School shall be free to all colored residents of Kentucky. The State Board of Education shall fix the rate of tuition and the conditions on which pupils who are not residents of Kentucky may be admitted. The Board shall fix such incidental fees as it deems necessary to meet such incidental expenses as may be incurred.

Section 25. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Lincoln Institute in Shelby County, Kentucky, is hereby transferred to and shall become a part of Kentucky State College which shall continue to maintain and operate it as a high school for the benefit of Negro children of the Commonwealth who do not otherwise have the opportunities to attend an approved high school. The Board of Regents, acting through the president of Kentucky State College, shall determine who may attend Lincoln Institute in accordance with rules and regulations adopted by said Board and approved by the State Board of Education. In addition, Kentucky State College shall continue to maintain and operate Lincoln Institute as a model and practice school under the supervision of thoroughly trained teachers for the purpose of giving observation and practice work to student teachers.

(2) All appropriations heretofore or hereafter made to Lincoln Institute shall be transferred to and made available to the Board of Regents of Kentucky State College for the purpose of maintaining and operating Lincoln Institute.

Section 26. Sections 166.020, 166.030, 166.130 and 166.180 of the Kentucky Revised Statutes are repealed.

Mr. Lawrence moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in acordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Herbert Fern	Louis T. Peniston
J. Everett Bach	Wm. P. Friedlander	Hobart Rayburn
Sidney Baer	Leslie Gay	Tipton Reed
John Rhea Banton	Henry J. Giles	Earl Rogers
Clarence J. Barnum	Chas. M. Greene	Joe Rouse
Owen Billington	Eugene B. Hancock	Amos Runyon
Wm. W. Blanton	George F. Harris	Cecil Sanders
R. O. Blevins	William K. Henry	Clem Schroader
Ed T. Breathitt	Thomas D. Hewlett	Dr. B. F. Shields
Edward O. Bridgers	Henry R. Heyburn	John A. Sloan
Thomas L. Britton	Chester J. Holsclaw	Mrs. Thelma Stovall
Alex H. Calvert	William M. Horn	E. H. (Ted) Stumbo
Walter J. Chyle, Jr.	Paul S. Jonas	Egbert V. Taylor
Lewis W. Combest	Jennings Kearby	Albert Thomason
Marvin A. Cornett	James W. Lambert	William F. Threlkeld
R. Josh Cosby	Jesse H. Lawrence	Marion Vance
Charles M. Crowe	Paul M. Lewis	J. B. Veech
J. C. Denney, Jr.	Harry K. Lowman	Eulick (Mike) Walsh
C. E. Dowell	Shelby McCallum	Wm. Thos. Wathen
J. A. Dressman, Jr.	Russell L. Meadows	L. M. Weathers
Thomas R. Duncan	Fred H. Morgan	Hicks Wells
R. L. Dunigan	Earl F. Murphy	William B. Wells
Jack Early	Thomas J. Murphy	Charles W. Wirsch
Harold Edwards	Bart N. Peak	Walker H. Wiseman
Roscoe Estep		

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be returned to the Senate.

Mr. Rayburn moved that H. B. 160 be recommitted to the Committee on Agriculture.

Said motion was agreed to.

Mr. Rayburn moved to substitute S. B. 85 for H. B. 160, which are the same bills.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 85. AN ACT relating to control of Black Shank and other diseases of tobacco and to appropriate money for that purpose.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Kentucky Agricultural Experiment Station shall carry on and extend the present program in the field of tobacco breeding, research and education for the control of black shank and other diseases in tobacco. For this purpose there shall be available to the Kentucky Agricultural Experiment Station, such sums as may, from time to time, be appropriated by the General Assembly for the purpose.

Section 2. For the purposes of this act, there is hereby appropriated to the Kentucky Agricultural Experiment Station out of the General Expenditure Fund of the State Treasury, the sum of $60,000 per year for each of the fiscal years 1952-53 and 1953-54; without lapse in the year 1952-53.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Harold Edwards	Hobart Rayburn
Dr. John Adkins, Jr.	William Engle	Tipton Reed
J. Everett Bach	Roscoe Estep	J. F. Robinson
Sidney Baer	Herbert Fern	Earl Rogers
John Rhea Banton	Leslie Gay	Amos Runyon
Clarence J. Barnum	Chas. M. Greene	Cecil Sanders
Owen Billington	Eugene B. Hancock	Clem Schroader
Wm. W. Blanton	George F. Harris	Dr. B. F. Shields
R. O. Blevins	Farmer Helton	John A. Sloan
J. C. Bradley	Henry R. Heyburn	E. A. Spencer
Edw. T. Breathitt	Ray Holbrook	E. H. (Ted) Stumbo
Edward O. Bridgers	William M. Horn	Egbert V. Taylor
Thomas L. Britton	Paul S. Jonas	Albert Thomason
Alex H. Calvert	William L. Jones	William F. Threlkeld
Walter J. Chyle, Jr.	Jennings Kearby	Marion Vance
Lewis W. Combest	Paul M. Lewis	J. B. Veech
Marvin A. Cornett	Harry K. Lowman	Eulick (Mike) Walsh
R. Josh Cosby	Tom Mobley	Wm. Thos. Wathen
Charles M. Crowe	Robert H. Moore	L. M. Weathers
J. C. Denney, Jr.	Walter R. Moorman	Hicks Wells
C. E. Dowell	Fred H. Morgan	W.A.(Pete)Wickliffe
James A.Dressman,Jr.	Earl F. Murphy	Charles W. Wirsch
Thomas R. Duncan	Ewin C. Neville	Walker H. Wiseman
R. L. Dunigan	Bart N. Peak	Garrett L. Withers
Jack Early	Louis T. Peniston	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be returned to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 86. AN ACT relating to the powers of the governing bodies of the state institutions of higher education, the limitations on salaries payable, and related matters.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Anything in any statutes of the Com-wealth to the contrary notwithstanding, the power over and control of appointments, qualifications, salaries and compensation payable out of the State Treasury or otherwise, promotions and official relations of all employes of the Univeristy of Kentucky, as provided in KRS 164.220, and, subject to any restrictions imposed by general law, the retirement ages and benefits of such employes, shall be under the exclusive jurisdiction of the Board of Trustees of the University of Kentucky, which shall be an independent agency and instrumentality of the Commonwealth.

Section 2. Anything in any statute of the Commonwealth to the contrary notwithstanding, the power over and control of appointments, qualifications, salaries and compensation payable out of the State Treasury or otherwise, promotions, and official relations of all employes of Eastern Kentucky State College, Western Kentucky State College, Murray State College, and Morehead State College, as provided in KRS 164.350 and 164.360, and of Kentucky State College, shall be under the exclusive jurisdiction of the respective governing boards of each of the institutions named.

Section 3. Kentucky Revised Statutes, Sections 156.010 and 64.640, and any other statute, to the extent that they provide that the University of Kentucky, Eastern Kentucky State College, Western Kentucky State College, Murray State College, and Morehead State College shall be included in the Department of Education and constitute a division thereof, are hereby repealed.

Section 4. The maximum annual salary payable out of the State Treasury for the offices and positions of President of the University of Kentucky, President of Eastern Kentucky State

College, President of Western Kentucky State College, President of Murray State College, President of Morehead State College, and President of Kentucky State College, shall be $9,000, and KRS 64.650 shall be applicable to subordinate positions.

Section 5. None of the provisions of KRS 42.110, 42.120 or 42.130 shall be applicable to the officers and employes of the University of Kentucky, Eastern Kentucky State College, Western Kentucky State College, Murray State College, Morehead State College, or Kentucky State College.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Roscoe Estep	Bart N. Peak
Dr. John Adkins, Jr.	Herbert Fern	Hobart Rayburn
J. Everett Bach	Wm. P. Friedlander	Tipton Reed
Sidney Baer	Henry J. Giles	J. F. Robinson
John Rea Banton	Chas. M. Greene	Joe Rouse
Clarence J. Barnum	John Head	Amos Runyon
Wm. W. Blanton	Farmer Helton	Cecil Sanders
J. C. Bradley	William K. Henry	Clem Schroader

Ed T. Breathitt	Thomas D. Hewlett	E. H. (Ted) Stumbo
Thomas L. Britton	Henry R. Heyburn	Egbert V. Taylor
Alex H. Calvert	Ray Holbrook	Albert Thomason
Walter J. Chyle, Jr.	Chester J. Holsclaw	William F. Threlkeld
Lewis W. Combest	William M. Horn	Marion Vance
R. Josh Cosby	Paul S. Jonas	Eulick (Mike) Walsh
Charles M. Crowe	William L. Jones	Wm. Thos. Wathen
J. C. Denney, Jr.	Jennings Kearby	L. M. Weathers
C. E. Dowell	Paul M. Lewis	Hicks Wells
James A. Dressman, Jr.	Shelby McCallum	William B. Wells
Thomas R. Duncan	Russell L. Meadows	W. A. (Pete) Wickliffe
Jack Early	Tom Mobley	Charles W. Wirsch
Harold Edwards	Robert H. Moore	Walker H. Wiseman
William Engle	Ewin C. Neville	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by whcih said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be returned to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 87. AN ACT to amend subsection (c) of section 3 of Senate Bill No. 1, passed by the General Asesmbly of the Commonwealth of Ky. at its extraordinary session, 1951, and declaring an emergency to exist.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sub-section (c) of Section 3 of Senate Bill No. 1, passed by the General Assembly of the Commonwealth of Kentucky at its extraordinary session, 1951, be amended by repealing said sub-section and re-enacting it to read as follows:

"Such agreement or modification of such agreement shall be effective with respect to services performed after an effective

date specified in the agreement or modification thereof, but in no case prior to January 1, 1951, and in no case (other than in the case of an agreement or modification agreed to prior to January 1, 1953) prior to the first day of the calendar year in which such agreement or modification, as the case may be, is agreed to by the Federal Security Administrator and the Commonwealth.

"WHEREAS, many cities of the state are compelled by law to adopt their budgets and fix their tax rates before May 1st of every year and some of said cities may want to enter into an agreement or modification with the Commonwealth before that time, an emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor."

Mr. Wicliffe moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Roscoe Estep	Louis T. Peniston
Dr. John Adkins, Jr.	Herbert Fern	Hobart Rayburn
J. Everett Bach	Wm. P. Friedlander	Tipton Reed
Sidney Baer	Eugene B. Hancock	J. F. Robinson
John Rhea Banton	George F. Harris	Earl Rogers

Clarence J. Barnum	John Head	Joe Rouse
Owen Billington	William K. Henry	Amos Runyon
Wm. W. Blanton	Thomas D. Hewlett	Cecil Sanders
R. O. Blevins	Henry R. Heyburn	Clem Schroader
J. C. Bradley	Ray Holbrook	Dr. B. F. Shields
Ed T. Breathitt	Chester J. Holsclaw	E. H. (Ted) Stumbo
Thomas L. Britton	William M. Horn	Egbert V. Taylor
Alex H. Calvert	Paul S. Jonas	Albert Thomason
Walter J. Chyle, Jr.	Jennings Kearby	William F. Threlkeld
Lewis W. Combest	Paul M. Lewis	Marion Vance
Marvin A. Cornett	Harry K. Lowman	J. B. Veech
R. Josh Cosby	Shelby McCallum	Eulick (Mike) Walsh
Charles M. Crowe	Russell L. Meadows	Wm. Thos. Wathen
J. C. Denney, Jr.	Tom Mobley	L. M. Weathers
C. E. Dowell	Robert H. Moore	Hicks Wells
James A. Dressman, Jr.	Walter R. Moorman	William B. Wells
Thomas R. Duncan	Earl F. Murphy	W.A.(Pete)Wickliffe
R. L. Dunigan	Thomas J. Murphy	Charles W. Wirsch
Jack Early	Ewin C. Neville	Walker H. Wiseman
Harold Edwards	Bart N. Peak	Garrett L. Withers
William Engle		—76

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be returned to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 80. AN ACT relating to the compensation of Judges and Commissioners of the Court of Appeals, and making an appropriation therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. (1) Commencing, as to each position of Judge of the Court of Appeals, when the next regular terms of office re-

spectively begin, the compensation of Judges of the Court of Appeals, payable out of the State Treasury, shall be $12,000 per annum.

(2) Commencing as of July 1, 1952, the compensation payable out of the State Treasury to Commissioners of the Court of Appeals appointed pursuant to KRS 21.150 (1) shall be $8,500 per annum. When the compensation provided for in subsection (1) of this section has become effective as to all Judges of the Court of Appeals, the compensation of the Commissioners shall become $10,800 per annum.

Sec. 2. There hereby is appropriated to the Court of Appeals, out of the General Expenditure Fund in the State Treasury, for the purpose of carrying out the provisions of this Act, the sum of $5,500 for the fiscal year 1952-53 and the sum of $7,000 for the fiscal year 1953-54, supplementing the regular appropriation to the Court of Appeals for salaries.

Mr. Wathen moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Wm. P. Friedlander	Bart N. Peak
J. Everett Bach	Henry J. Giles	Louis T. Peniston

Sidney Baer	Charles M. Greene	Hobart Rayburn
John Rhea Banton	Henry C. Hale	Joe Rouse
Clarence J. Barnum	Eugene B. Hancock	Amos Runyon
Owen Billington	George F. Harris	Cecil Sanders
Wm. W. Blanton	John Head	Dr. B. F. Shields
Ed T. Breathitt	William K. Henry	Mrs. Thelma Stovall
Alex H. Calvert	Henry R. Heyburn	E. H. (Ted) Stumbo
Walter J. Chyle, Jr.	Ray Holbrook	Egbert V. Taylor
Lewis W. Combest	Chester J. Holsclaw	William F. Threlkeld
Marvin A. Cornett	William M. Horn	Marion Vance
R. Josh Cosby	Paul S. Jonas	J. B. Veech
J. C. Denney, Jr.	Paul M. Lewis	Eulick (Mike) Walsh
C. E. Dowell	Harry K. Lowman	Wm. Thos. Wathen
James A. Dressman, Jr.	Shelby McCallum	L. M. Weathers
Thomas R. Duncan	Russell L. Meadows	Morris Weintraub
Jack Early	Tom Mobley	W. A. (Pete) Wickliffe
Harold Edwards	Robert H. Moore	Charles W. Wirsch
William Engle	Earl F. Murphy	Walker H. Wiseman
Herbert Fern	Thomas J. Murphy	Garrett L. Withers

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Those who voted in the negative were—

Bill Adams	R. L. Dunigan	Walter R. Moorman
Thomas L. Britton	Leslie Gay	Ewin C. Neville
Charles M. Crowe	Jennings Kearby	Earl Rogers

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be returned to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 63. AN ACT relating to rules of pleading, practice and procedure, and the forms thereof in civil actions and with limited application, in criminal proceedings.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Court of Appeals, by rules promulgated from time to time, shall regulate pleading, practice, procedure and the forms thereof in all civil proceedings in all courts of the state, for the purpose of simplifying the same and of promoting the speedy determination of litigation upon its merits. Such rules shall not abridge, enlarge or modify the substantive rights of any litigant. The Court of Appeals shall promulgate the initial rules pursuant to this Act on July 1, 1953, and such rules shall become effective as of that date.

Section 2. Before the initial rules, or any amendments or supplemental rules, may be adopted under the provisions of this Act, copies of the proposed rule or rules shall be distributed to the Bench and Bar of the state for their consideration and suggestions, and the Court shall give due consideration to such suggestions as may be submitted to the court. Any suggestions concerning rules proposed by the Court of Appeals, and any suggestions that may be advanced by interested persons, from time to time, for amendments to existing rules or for new or supplemental rules, shall be submitted to the court through the Judicial Council. The council shall receive and consider all such suggestions and shall report the same to the court, with the recommendations of the council thereon. The court shall conduct a public hearing, to be held not later than three months from the date of distribution of any proposed rule or rules, of which hearing suitable publicity shall be given in advance. At such hearing the Court shall consider any proposal submitted in writing, in advance, by the Kentucky State Bar Association, the Judicial Conference, or any substantial number of members of the Kentucky State Bar Association joining in the same suggestion. The initial rules and any amendment or supplemental rules shall be printed and mailed, at least ninety days before the effective date, to all members of the State Bar of Kentucky, and such rules may also be distributed at such times and to such other persons as the Court may direct.

Section 3. The Civil Code Committee, created by Chapter 151, Acts of 1950, shall continue as constituted until July 1, 1953. Thereafter, the Court of Appeals shall appoint an advisory committee composed of representative judges and attorneys. Such committees shall perform advisory duties in connection with the promulgation of the rules and amendments thereto as may be directed by the Court of Appeals, and the advisory committee shall be considered a part of the Judicial Council for budgetary purposes.

Section 4. No Act repealing or modifying any section of the Civil Code of procedure or any statute shall be construed by implication to limit the right of the court to promulgate rules from time to time or to supersede, modify or amend any rule so promulgated. Nor shall this Act be construed to limit in any manner the power of the Court of Appeals to make rules governing practice and procedure in the Court of Appeals.

Section 5. The rules of the Court of Appeals shall apply to criminal procedure in all situations where any provision of the Civil Code, superseded by the rules, has heretofore been made applicable to criminal procedure either by express reference or by interpretation.

Section 6. On and after July 1, 1953, all laws relating to pleading, practice and procedure shall be effective as rules of court until modified or superseded by subsequent court rule, and upon the adoption of any rule pursuant to this Act the rule shall take precedence over such laws.

Section 7. The printing and distribution of any rules proposed or promulgated under this Act shall be provided for by the Civil Code Committee and the Statute Revision Commission jointly, and after the Civil Code Committee ceases to exist, by the Statute Revision Commission alone, with the advice and under the direction of the Court of Appeals. Any such printing shall be governed by KRS 447.090.

Section 8. Whereas, it is essential that the printing and distribution of proposed rules be made in sufficient time to enable thorough consideration by all interested persons before the rules

are finally promulgated on July 1, 1953, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Mr. Breathitt moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Wm. P. Friedlander	Bart N. Peak
J. Everett Bach	Leslie Gay	Louis T. Peniston
Sidney Baer	Henry J. Giles	Hobart Rayburn
John Rhea Banton	Charles M. Greene	Tipton Reed
Clarence J. Barnum	Eugene B. Hancock	J. F. Robinson
Owen Billington	George F. Harris	Joe Rouse
William W. Blanton	John Head	Amos Runyon
R. O. Blevins	Farmer Helton	Cecil Sanders
J. C. Bradley	William K. Henry	Clem Schroader
Ed T. Breathitt	Henry R. Heyburn	Dr. B. F. Shields
Edward O. Bridgers	Ray Holbrook	John A. Sloan
Thomas L. Britton	William M. Horn	E. A. Spencer
Alex H. Calvert	Paul S. Jonas	Mrs. Thelma Stovall
Walter J. Chyle, Jr.	William L. Jones	Egbert V. Taylor
Lewis W. Combest	Jennings Kearby	Wm. F. Threlkeld

Marvin A. Cornett	James W. Lambert	Marion Vance
R. Josh Cosby	Paul M. Lewis	J. B. Veech
Charles M. Crowe	Harry K. Lowman	Eulick (Mike) Walsh
J. C. Denney, Jr.	Shelby McCallum	Wm. T. Wathen
C. E. Dowell	Russell L. Meadows	L. M. Weathers
James A.Dressman,Jr.	Tom Mobley	Morris Weintraub
R. L. Dunigan	Robert H. Moore	Hicks Wells
Jack Early	Walter R. Moorman	William B. Wells
Harold Edwards	Earl F. Murphy	W.A.(Pete) Wickliffe
William Engle	Thomas J. Murphy	Walker H. Wiseman
Herbert Fern	Ewin C. Neville	Garrett L. Withers

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Resolved that the title thereof be as aforesaid.

Mr. Breathitt moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be returned to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 87. AN ACT authorizing water districts to acquire, develop, maintain and operate gas systems.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Any county court, except in counties containing a city of the first class, upon petition of seventy-five resident freeholders of a water district heretofore organized under the provisions of KRS 74.010, may authorize said water district to acquire, develop, maintain, and operate a system for the distribution of natural, artificial, or mixed gas to the citizens of the county. The petition shall describe the territory intended to be included in the area to be served and shall set out the reasons a gas distribution system is needed.

(2) When the petition is filed, the court shall give notice of the filing by publication in three issues of a newspaper of general circulation in the county, or if there is no newspaper in the county, by posting notices in three public places in the water district. Within thirty days after the publication of notices, any resident of the district may file objections, and the Court shall set the case for hearing within ten days. If the court finds the establishment of a gas distributing system by such district reasonably necessary for the public health, convenience, and comfort of the residents, it shall make an order authorizing the establishment or acquisition of the gas distributing system.

(3) The court may in its order strike off any part of the territory that the testimony shows will not be benefited by the creation of the distribution system. If the court does not find that the gas distribution system is necessary it shall dismiss the petition. Either party may appeal to the circuit court for a retrial, and from the circuit court to the Court of Appeals, as provided by law.

(4) If the water district is authorized to establish the gas distribution system, such system shall be established, maintained, and operated by the water commissioners of the district authorized to establish said system and said commissioners shall have all of the powers and authority, as regards the gas distributing system, that are conferred upon them for the purpose of furnishing a water supply under Chapter 74 of the Kentucky Revised Statutes.

(5) Water districts may, in addition to all other methods provided by law, acquire and develop water systems and systems for the distribution of natural, artificial, or mixed gas through the issuance of revenue bonds under the terms and provisions of KRS 58.010 to 58.140.

(6) Section 74.120 of the Kentucky Revised Statutes is amended to read as follows:

The commission shall not include an incorporated city in any water district, but may contract with any city for the purpose of furnishing water or gas to the residents of the city. The assignment to the commission or the water district of any valid

outstanding franchise for the distribution of water or natural, artificial, or mixed gas to the residents of any city shall constitute a contract with the city within the terms of this section.

Mr. Holbrook moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Charles M. Crowe	Thomas D. Hewlett
J. Everett Bach	J. C. Denney, Jr.	Ray Holbrook
Sidney Baer	C. E. Dowell	Chester J. Holsclaw
John Rhea Banton	James A. Dressman, Jr.	William M. Horn
Clarence J. Barnum	Thomas R. Duncan	Jennings Kearby
Owen Billington	R. L. Dunigan	Jesse H. Lawrence
William W. Blanton	Harold Edwards	Paul M. Lewis
R. O. Blevins	William Engle	Harry K. Lowman
Ed T. Breathitt	Roscoe Estep	Shelby McCallum
Edward O. Bridgers	Herbert Fern	Robert H. Moore
Thomas L. Britton	Wm. P. Friedlander	Walter R. Moorman
Alex H. Calvert	Charles M. Greene	Earl F. Murphy
Lewis W. Combest	Eugene B. Hancock	Thomas J. Murphy
Marvin A. Cornett	George F. Harris	Bart N. Peak
R. Josh Cosby	John Head	Hobart Rayburn

Tipton Reed	Mrs. Thelma Stovall	L. M. Weathers
J. F. Robinson	E. H. (Ted) Stumbo	Hicks Wells
Amos Runyon	Egbert V. Taylor	William B. Wells
Cecil Sanders	J. B. Veech	W.A.(Pete) Wickliffe
Clem Schroader	Eulick (Mike) Walsh	Walker H. Wiseman
E. A. Spencer	Wm. T. Wathen	Garrett L. Withers

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Those who voted in the negative were—

Henry R. Heyburn	Joe Rouse	Wm. F. Threlkeld
Louis T. Peniston		

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Resolved that the title thereof be as aforesaid.

Mr. Holbrook moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 274. AN ACT relating to the office of Receiver of the circuit court in a county containing a population of 300,000 or over and providing for the payment of such officer's compensation in case the fees of the office are not sufficient to meet his salary.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. If, in the office of Receiver of the circuit court in a county containing a population of 300,000 or over, a shortage in the salary of the Receiver shall occur or exist and the Receiver does not have in his hands sufficient surplus fees or other funds legally charged with the payment of his salary to make up the shortage he shall thereupon, immediately after the last day of the month in which the shortage occurs, file in the circuit court, in general term, a statement under oath showing the shortage and the amount thereof, and the court shall there-

upon, by its order in general term, any five of the judges concurring, order the Department of Finance, and it shall immediately pay to the Receiver the amount of the shortage named in the order out of the funds previously paid by the Receiver to the Department of Finance including such funds as may have come to the Department of Finance from the office of the Receiver through the Department of Revenue under the provisions of Chapter 393 of the Kentucky Revised Statutes.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Thomas L. Britton	Wm. P. Friedlander
J. Everett Bach	Marvin A. Cornett	Charles M. Greene
Sidney Baer	R. Josh Cosby	Eugene B. Hancock
John Rhea Banton	C. E. Dowell	George F. Harris
Clarence J. Barnum	James A. Dressman, Jr.	John Head
Owen Billington	Thomas R. Duncan	William K. Henry
William W. Blanton	Jack Early	Thomas D. Hewlett
J. C. Bradley	Harold Edwards	Henry R. Heyburn
Ed T. Breathitt	William Engle	Ray Holbrook
Edward O. Bridgers	Herbert Fern	Chester J. Holsclaw

William M. Horn	Thomas J. Murphy	E. H. (Ted) Stumbo
Paul S. Jonas	Bart N. Peak	Egbert V. Taylor
Jennings Kearby	Louis T. Peniston	J. B. Veech
Jesse H. Lawrence	Tipton Reed	Eulick (Mike) Walsh
Paul M. Lewis	Cecil Sanders	Wm. T. Wathen
Harry K. Lowman	Clem Schroader	L. M. Weathers
Shelby McCallum	Dr. B. F. Shields	Hicks Wells
Robert H. Moore	John A. Sloan	William B. Wells
Fred H. Morgan	E. A. Spencer	W.A.(Pete) Wickliffe
Earl F. Murphy	Mrs. Thelma Stovall	

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There voted in the negative—

Garrett L. Withers —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 277. AN ACT relating to taxes on the production of crude petroleum, and particularly in respect of penalties relating thereto.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (3) of Section 137.990 of the Kentucky Revised Statutes is amended to read as follows:

(a) Any person required to register, make reports or collect and pay taxes under the provisions of KRS 137.120 to 137.160 who fails to pay taxes, penalty and interest after becoming delinquent, or fails for thirty days after the required date to make a report or register shall pay a penalty of ten per cent on the

amount of tax due, and shall pay an additional penalty of five per cent on the first day of each month so long as the tax remains due and unpaid, except the total penalty paid shall not exceed twenty-five per cent of tax due.

(b) Any person who violates any of the provisions of KRS 137.120 to 137.160 may be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not less than thirty days nor more than six months or both.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Alex H. Calvert	William Engle
J. Everett Bach	Marvin A. Cornett	Herbert Fern
Sidney Baer	R. Josh Cosby	Wm. P. Friedlander
John Rhea Banton	Charles M. Crowe	Leslie Gay
Clarence J. Barnum	J. C. Denney, Jr.	Charles M. Greene
Owen Billington	C. E. Dowell	Eugene B. Hancock
Wm. W. Blanton	James A. Dressman, Jr.	George F. Harris
Ed T. Breathitt	R. L. Dunigan	John Head
Edward O. Bridgers	Jack Early	William K. Henry
Thomas L. Britton	Harold Edwards	Thomas D. Hewlett

Henry R. Heyburn	Earl F. Murphy	Mrs. Thelma Stovall
Ray Holbrook	Ewin C. Neville	E. H. (Ted) Stumbo
Chester J. Holsclaw	Bart N. Peak	Egbert V. Taylor
William M. Horn	Louis T. Peniston	Wm. F. Threlkeld
Paul S. Jonas	Tipton Reed	J. B. Veech
Jennings Kearby	Joe Rouse	Eulick (Mike) Walsh
Paul M. Lewis	Amos Runyon	Wm. T. Wathen
Harry K. Lowman	Cecil Sanders	Hicks Wells
Russell L. Meadows	Clem Schroader	William B. Wells
Tom Mobley	Dr. B. F. Shields	W.A.(Pete) Wickliffe
Robert H. Moore	John A. Sloan	Walker H. Wiseman
Walter R. Moorman	E. A. Spencer	Garrett L. Withers
Fred H. Morgan		66

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 278. AN ACT relating to the bank night awards tax.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sections 138.090 to 138.120, inclusive, of the Kentucky Revised Statutes are repealed.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	William Engle	Thomas J. Murphy
J. Everett Bach	Roscoe Estep	Ewin C. Neville
Sidney Baer	Herbert Fern	Louis T. Peniston
John Rhea Banton	Wm. P. Friedlander	Tipton Reed
Clarence J. Barnum	Leslie Gay	Joe Rouse
William W. Blanton	Eugene B. Hancock	Amos Runyon
J. C. Bradley	Thomas D. Hewlett	Cecil Sanders
Ed T. Breathitt	Henry R. Heyburn	Clem Schroader
Edward O. Bridgers	Ray Holbrook	Dr. B. F. Shields
Thomas L. Britton	Chester J. Holsclaw	E. A. Spencer
Alex H. Calvert	William M. Horn	E. H. (Ted) Stumbo
Lewis W. Combest	Paul S. Jonas	J. B. Veech
Marvin A. Cornett	Paul M. Lewis	Eulick (Mike) Walsh
Charles M. Crowe	Harry K. Lowman	Wm. T. Wathen
J. C. Denney, Jr.	Shelby McCallum	Hicks Wells
C. E. Dowell	Russell L. Meadows	William B. Wells
James A. Dressman, Jr.	Tom Mobley	W.A.(Pete) Wickliffe
Thomas R. Duncan	Robert H. Moore	Walker H. Wiseman
R. L. Dunigan	Walter R. Moorman	Garrett L. Withers
Harold Edwards	Earl F. Murphy	

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Those who voted in the negative were—

R. Josh Cosby	Bart N. Peak	Egbert V. Taylor
Jack Early		

—4

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 279. AN ACT relating to the practice of chiropody.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 311.380 of the Kentucky Revised Statutes be, and the same hereby is, repealed, amended and reenacted to read as follows:

As used in KRS 311.390 to 311.520:

(1) "Board" means the State Board of Chiropody:

(2) "Chiropody" means the diagnosis, and the local, medical, mechanical and surgical treatment, of ailments of the human foot, and massage in connection therewith, except amputation of the foot or toes, or the use of anesthetics other than local, or the use of drugs or medicine other than local;

(3) "Chiropodist" means one who practices chiropody.

Section 2. Section 311.410 of the Kentucky Revised Statutes be, and the same hereby is, repealed, amended and reenacted to read as follows:

(1) There is hereby established in the Department of Health a State Board of Chiropody which shall consist of five practicing chiropodists, each appointed by the Governor. All appointments, including appointments to fill vacancies shall be made from lists of three names for each position submitted by the Kentucky Asociation of Chiropodists. Any vacancy shall be filled for the unexpired term by the Governor.

(2) A person to be eligible for appointment as a member of said board shall be at least twenty-one years of age, of good moral character, a resident of this State, and a licensed and practicing chiropodist in this State for at least five consecutive years next preceding the date of his appointment. No member of the Board shall be a stockholder, officer, member of the faculty or Board of Trustees of any school, college or institution of chiropody.

(3) The committee of examiners in chiropody, established by Chapter 176 of the Acts of 1948, is hereby abolished, and all rights, functions, powers and duties of said committee and of the State Board of Health under said Act are hereby transferred to and vested in the Board established by this Section, upon the effective date of this Act.

(4) The term of office of the five members first appointed hereunder shall be one, two, three, four and five years, respectively, and the respective terms of the first members shall be designated by the Governor at the time of their appointment. Upon the expiration of the respective terms of the members first appointed, the term of each successor shall be five years, or until his successor shall be appointed and qualified.

(5) The Board shall elect one of its members as president. The Commissioner of Health shall be secretary of the Board. He shall have power to appoint an assistant secretary and to delegate to said assistant secretary any or all of his powers and duties under this Act. Said secretary is authorized, subject to approval by the Board, to fix the compensation of said assistant secretary and to empoly and fix the compensation of all personnel required for the administration of this Act. The Board shall have power to make all rules and regulations, not inconsistent with this Act, as may be necessary to implement and carry out the provisions and purposes of this Act.

(6) The Board may sue and be sued in its own name.

(7) The Board shall hold meetings at least twice a year, and as frequently as it deems necessary, at such times and places as the Board may designate. A majority of the members shall constitute a quorum.

Section 3. Section 311.420 of the Kentucky Revised Statutes be, and the same hereby is, repealed, amended and reenacted to read as follows:

(1) The Board shall conduct examinations at least twice a year at such times and places as the Board deems convenient for applicants for licenses to practice chiropody in this state, and shall admit to examination any applicant who:

(a) Is at least twenty-one years of age;

(b) Is a citizen of the United States and a resident of the State of Kentucky;

(c) Is of good moral character and temperate habits; and

(d) Has completed a course in and graduated from a school or college of chiropody approved by the Board.

(2) The examination shall embrace the subjects of anatomy, physiology, chemistry, bacteriology, histology, pathology, dermatology, pedic-surgery, physio-therapy, diagnosis and treatment, materia medica and therapeutics, and other subjects as these subjects relate to antiseptics and anaesthetics and clinical chiropody, but the examination shall be so limited in its scope as to cover only the minimum requirements for chiropody educations.

(3) Applicants for examination shall present their credentials to the Board by mail upon forms furnished by the Board, and shall receive due notice of the place and date of the examination. Each application shall contain proof of the qualifications required of the applicant, shall be verifiied by the applicant under oath, and shall be accompanied by an examination fee of Fifty Dollars.

(4) The Board shall issue a license to any person who complies with the provisions of KRS 311.380 to 311.520 and who satisfactorily passes the examination.

(5) The members of the Board shall receive no compensation for their services, but shall be paid their traveling and other necessary expenses while employed upon the business of the Board.

Section 4. Section 311.450 of the Kentucky Revised Statutes be, and the same hereby is, repealed, amended and reenacted to read as follows:

(1) Every license issued for the practice of chiropody shall expire on June 30 following the date of issuance unless sooner revoked and cancelled.

(2) On or before June first of each year, the Board shall send notices to all licensed chiropodists in this State, at their last known addresses, advising them that the annual license renewal fee is due on July first of each year. Every registered chiropodist shall renew his license on or before July first of each year by the payment to the Board of an annual license renewal fee of ten dollars. If such renewal fee is not paid on or before July first, the Board shall notify the delinquent licensee by mail at his last known address that such fee is due and unpaid and that a delinquent penalty of twenty five dollars is assessed, in addition to the renewal fee of ten dollars, and must be paid on or before January first. If such fees and penalties are not paid by January first, it shall be the duty of the Board to suspend or revoke the said license for non-payment of the annual renewal and delinquent fees for the current year.

(3) All fees collected under the provisions of KRS 311.380 to 311.520, or the rules and regulations adopted pursuant thereto, shall be paid into the State Treasury, and credited to a trust and agency fund to be used in defraying the costs and expenses in the Administration of this Act, including, but not limited to, salaries and necessary travel expenses. No part of this fund shall revert to the general funds of this Commonwealth.

Section 5. Section 311.470 of the Kentucky Revised Statutes be, and the same hereby is, repealed, amended and reenacted to read as follows:

(1) Any person who practices chiropody shall display his license, together with the annual license renewal certificate, in a conspicuous place in the office in which he practices.

(2) No person practicing or offering to practice chiropody shall in any manner advertise the prices charged for his services;

nor shall he advertise in newspapers, in periodicals, by handbills or circulars, or in bold-face type in any printed matter, or by the use of any form of display sign; except that he may, upon opening an office or upon change of address, mail or publish announcements to that effect provided such announcements shall not appear more than three times in public print, and the form of such announcement shall be determined by the Board.

Section 6. Section 311.490 of the Kentucky Revised Statutes be, and the same hereby is, repealed, amended and reenacted to read as follows:

(1) A suspension or revocation of a license, or a refusal to renew a license, may be made by the Board onlv after a hearing of wihch the accused has been given adequate notice. At the hearing, the Board and the accused shall have the benefit of counsel.

(2) The Board may administer oaths, take the depositions of witnesses as in civil cases and compel them to attend before it in persons as in civil cases by subpoena issued over the signature of the Preident of the Board and in the name of the state.

(3) Proceedings for the suspension or revocation of a license may be instituted by any individual, or organiaztion, or by the Board acting upon its own initiative or by the Secretary on behalf of the Board.

(4) The Board may institute, in its own name, proceedings to temporarily or permanently restrain and enjoin violations of this Act, regardless of whether the defendant has been convicted for violations of the penal provisions thereof, and shall not be required to pay any cost or filing fees or furnish any bond in connection therewith. Violations of injunctions and restraining orders shall be punished as a contempt without the intervention of a jury.

Section 7. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) County and Commonwealth's attorneys and the Attorney General, within their respective jurisdictions, shall prosecute all violations of the penal provisions of this Act, and shall,

when requested by the Board, represent the Board in matters relating to the enforcement of this Act.

(2) For the purpose of enforcing the provisions of this Act, the investigators, inspectors, representatives and agents of the Board and the Department of Health shall have the full power and authority of peace officers in this state, and shall have the power and authority to administer oaths, to enter upon premises at all times for the purpose of making inspections, to seize evidence, to interrogate all persons, and to require the production of books, papers, documents or other evidence.

Section 8. Subsection (7) of Section 311.990 of the Kentucky Revised Statutes be, and the same hereby is, repealed, amended and re-enacted to read as follows:

(7) Any person who shall present to the county clerk for the purpose of registration any license which has been fraudulently obtained, or shall obtain any license under KRS 311.380 to 311.520 by false or fradulent statement or representation, or shall practice chiropody under a false or assumed name or shall falsely impersonate another practitioner or former practitioner of a like or different name, or shall aid and abet any person in the practice of chiropody within the State without conforming to the requirements of KRS 311.380 to 311.520, or shall otherwise violate or neglect to comply with any of the provisions of KRS 311.380 to 311.520, shall be fined not less than two hundred and fifty dollars nor more than five thousand dollars or imprisoned in the county jail for not less than three months nor more than twelve months, or both so fined and imprisoned. Each case of practicing chiropody in violation of the provisions of KRS 311.380 to 311.520 shall be considered a separate offense.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to

the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Herbert Fern	Louis T. Peniston
J. Everett Bach	Wm. P. Friedlander	Tipton Reed
John Rhea Banton	Charles M. Greene	J. F. Robinson
Clarence J. Barnum	William K. Henry	Joe Rouse
Owen Billington	Thomas D. Hewlett	Amos Runyon
William W. Blanton	Henry R. Heyburn	Cecil Sanders
J. C. Bradley	Ray Holbrook	Clem Schroader
Ed T. Breathitt	Chester J. Holsclaw	Dr. B. F. Shields
Edward O. Bridgers	William M. Horn	E. A. Spencer
Alex H. Calvert	Paul S. Jonas	Mrs. Thelma Stovall
Lewis W. Combest	Jennings Kearby	Egbert V. Taylor
Marvin A. Cornett	Paul M. Lewis	Wm. F. Threlkeld
R. Josh Cosby	Harry K. Lowman	J. B. Veech
J. C. Denney, Jr.	Russell L. Meadows	Eulick (Mike) Walsh
C. E. Dowell	Tom Mobley	Wm. T. Wathen
James A. Dressman, Jr.	Robert H. Moore	Morris Weintraub
Thomas R. Duncan	Walter R. Moorman	Hicks Wells
R. L. Dunigan	Earl F. Murphy	William B. Wells
Jack Early	Thomas J. Murphy	W.A.(Pete) Wickliffe
Harold Edwards	Ewin C. Neville	Walker H. Wiseman
William Engle	Bart N. Peak	—62

Those who voted in the negative were—

Roscoe Estep —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that H. B. No. 225 be taken from the Orders of the Day, read for the third time and placed on its passage.

Said motion was disagreed to.

Mr. Lowman moved that H. B. No. 229 be recommitted to the Committee on Kentucky Statutes No. 2.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 225. AN ACT relating to the State Fair Board, repealing Subsection (2) of Section 247.170 of the KRS.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 247.170 of the Kentucky Revised Statutes is repealed.

Mr. Lowman moved the previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third

reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Roscoe Estep	Louis T. Peniston
J. Everett Bach	Herbert Fern	Tipton Reed
Sidney Baer	Wm. P. Friedlander	J. F. Robinson
John Rhea Banton	Eugene B. Hancock	Joe Rouse
Owen Billington	William K. Henry	Amos Runyon
William W. Blanton	Thomas D. Hewlett	Clem Schroader
J. C. Bradley	Ray Holbrook	Dr. B. F. Shields
Ed T. Breathitt	Chester J. Holsclaw	E. A. Spencer
Edward O. Bridgers	William M. Horn	Mrs. Thelma Stovall
Alex H. Calvert	Paul S. Jonas	Egbert V. Taylor
Lewis W. Combest	Jennings Kearby	Wm. F. Threlkeld
Marvin A. Cornett	Paul M. Lewis	J. B. Veech
R. Josh Cosby	Harry K. Lowman	Eulick (Mike) Walsh
Charles M. Crowe	Shelby McCallum	Wm. T. Wathen
J. C. Denney, Jr.	Russell L. Meadows	Morris Weintraub
C. E. Dowell	Tom Mobley	Hicks Wells
James A. Dressman, Jr.	Robert H. Moore	William B. Wells
Thomas R. Duncan	Walter R. Moorman	W.A.(Pete) Wickliffe
Jack Early	Earl F. Murphy	Walker H. Wiseman
Harold Edwards	Thomas J. Murphy	Garrett L. Withers
William Engle	Bart N. Peak	—62

Those who voted in the negative were—

Bill Adams	R. L. Dunigan	Charles M. Greene
Thomas L. Britton	Leslie Gay	—5

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

H. Res. No. 9 which had been passed in the Senate and returned to the House with Senate amendment attached thereto, as follows, viz:

Amend House Resolution 9 by striking the period after the word "River" on line 4 page 2 of the printed Resolution and inserting a comma in lieu thereof and following such comma to add the following:

"and in the event that the Jessamine Creek Dam Project is undertaken, that the plans therefor provide for locking facilities."

Said amendment was adopted by voice vote.

H. B. No. 152. WHICH HAD BEEN passed in the Senate and returned to the House with Senate amendment attached thereto, as follows, viz:

To amend the title by striking out the period after the word "districts" and inserting in lieu thereof a comma and adding the words "and this Act shall be called the 'Sanders-Reynolds' Bill."

Said amendment was adopted by voice vote.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 70. AN ACT relating to fertilizer.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 250.370 of the Kentucky Revised Statutes is amended to read as follows:

Every quantity of commercial fertilizer in any shape or form whatever, sold, offered or exposed for sale in this state, shall be labeled in a conspicuous place on the container or, if sold in bulk, accompanied by a written or printed statement as required by KRS 250.400.

Section 2. Section 250.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) The information required by KRS 250.400 to be attached to container or accompany the selling or offering or exposing for sale of commercial fertilizers in this state shall be accepted as the guarantee of the manufacturer, dealer or agent that the fertilizer contains the kinds and amounts of essential ingredients printed on the label.

(2) No person shall fraudulently misrepresent any of the information required by KRS 250.400 to accompany every sale, offer or exposure for sale of commercial fertilizer.

(3) Any person who violates any of the provisions of subsection (2) shall, in addition to the criminal penalty, be liable for reasonable damages sustained by the purchaser of the fertilizer.

(4) A deficiency of one-fourth of one percent in any of the essential ingredients shall not be considered evidence of fraudulent intent.

Section 3. Section 250.390 of the Kentucky Revised Statutes is amended to read as follows:

In each year, before any person shall sell, offer or expose for sale in this state any commercial fertilizer, he shall furnish to the director an affidavit, in such form and manner as the director prescribes, stating the name and address of the manufacturer, the name of the fertilizer, the number of net pounds in each container to be used and, in terms approved by the director, the minimum percentage of the essential ingredients guaranteed.

Section 4. Section 250.400 of the Kentucky Revised Statutes is amended to read as follows:

The director, upon receipt of the affidavit provided for in KRS 250.390, shall give the registrar permission to sell said fertilizer in the State of Kentucky, provided that the manufacturer either attach a label to each container, or print directly on the container the information required in KRS 250.390, or, in the case of bulk fertilizer, deliver to the purchaser a written or printed statement setting out to total weight and the information required by KRS 250.390.

Section 5. Section 250.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) A fee of fifty cents shall be paid to the Kentucky Agricultural Experiment Station for each ton of commercial fertilizer sold in this state or brought into this state for consumption herein for agricultural purposes. This fee shall be paid only once on each ton of fertilizer and the manufacturer, dealer or agent introducing the fertilizer into the state shall be primarily liable therefor, however, any seller of the fertilizer may be required to pay the fee in the event it has not been collected theretofor.

(2) For the purpose of collecting the fee provided herein, every manufacturer or dealer primarily liable for the fee shall file, in such form as the director prescribes, a monthly, quarterly or semi-annual report, stating the number of net tons of commercial fertilizer introduced into the state during the period covered. The manufacturer or dealer shall have the option of reporting on a monthly, quarterly or semi-annual basis. Reports shall be filed by and the inspection fee due and payable on the tenth of the month following the period covered. Companies reporting on the quarterly basis shall file their reports by the tenth of April, July, October and January. Companies reporting on a semi-annual basis shall file their reports by the tenth of July and January. The director is authorized to verify in such manner as he deems advisable the records upon which such reports are founded.

Section 6. Section 250.420 of the Kentucky Revised Statutes is amended to read as follows:

If the director belives that any fertilizer offered for sale is of no practical manurial value he shall refuse registration.

Mr. Lowman moved the adoption of the Senate Amendment,, said amendment is as follows, viz:

By striking from page 3, line 4 of the printed bill the word "registrar" and inserting in lieu there-of the word "registrant"

Said amendment was adopted by voice vote.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Herbert Fern	Bart N. Peak
J. Everett Bach	Wm. P. Friedlander	Tipton Reed
Sidney Baer	Leslie Gay	J. F. Robinson
John Rhea Banton	Charles M. Greene	Amos Runyon
Owen Billington	Eugene B. Hancock	Clem Schroader
William W. Blanton	William K. Henry	Dr. B. F. Shields
Ed T. Breathitt	Henry R. Heyburn	John A. Sloan
Edward O. Bridgers	Ray Holbrook	E. A. Spencer
Alex H. Calvert	Chester J. Holsclaw	Mrs. Thelma Stovall
R. Josh Cosby	William M. Horn	Wm. F. Threlkeld
Charles M. Crowe	Paul S. Jonas	Eulick (Mike) Walsh
J. C. Denney, Jr.	Jennings Kearby	Wm. T. Wathen
James A. Dressman, Jr.	Paul M. Lewis	Hicks Wells
R. L. Dunigan	Harry K. Lowman	William B. Wells
Jack Early	Shelby McCallum	W.A.(Pete) Wickliffe
Harold Edwards	Robert H. Moore	Walker H. Wiseman
William Engle	Walter R. Moorman	Garret L. Withers
Roscoe Estep	Thomas J. Murphy	

—53

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk.

REFERAL OF BILLS

House Bill 344. Kentucky Statutes No. 2
345. Cities of the Fifth Class
346. Judicial & Judiciary Council
347. Kentucky Statutes No. 2
348. Courts & Legal Procedures
349. Revenue & Taxation
350. Motor Transportation
351. Ways and Means
352. Insurance
353. Motor Transportation
354. Kentucky Statutes No. 2
355. Judicial & Judiciary Council
356. Courts & Legal Procedures
357. Kentucky Statutes No. 2
358. Kentucky Statutes No. 2
359. Judicial & Judiciary Council
360. Cities of the Third Class
361. Education
362. Revenue & Taxation
363. Kentucky Statutes No. 1
364. Motor Transportation
365. Public Utilities
366. Kentucky Statutes No. 2
367. Insurance

House Res. 37. Kentucky Statutes No. 2

House Res. 40. Kentucky Statutes No. 2

Senate Bill 81. Kentucky Statutes No. 2

92. Kentucky Statutes No. 2

153. Kentucky Statutes No. 2

154. Kentucky Statutes No. 2

Mr. Cosby moved that the rules be suspended for the purpose of having a Committee Report.

Said motion was agreed to.

COMMITTEE REPORT

Mr. Cosby, Chairman of the Committee on Fish and Game, to which the same had been referred, reported a bill of the following title, viz:

H. B. No. 284. AN ACT relating to Game and Fish.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. McCallum moved that the rules be suspended for the purpose of introducing bills.

Said motion was agreed to.

INTRODUCTION OF BILLS

Bills of the following title were introduced, viz:

By Mr. McCallum.

H. B. No. 381. AN ACT changing the classification of the City of Kuttawa, in Lyon County.

Said bill is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the City of Kuttawa, in Lyon County, is transferred from the sixth to the fifth class of cities.

Said bill was ordered printed and referred.

By Mr. Dressman.

H. B. No. 382. AN ACT relating to taxes on marriage licenses and conveyances.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 47.110 of the Kentucky Revised Statutes is amended to read as follows:

Twelve and one-half percent of the revenue received from the taxes imposed by paragraphs (b) and (e) of subsection (1) of KRS 142.010, shall be returned to the county in which the tax was paid and be credited to the general fund of the county, to be used for the purchasing of record books for the county clerk of the county.

Said bill was ordered printed and referred.

Mr. Horn moved that when the House adjourns today, that they adjourn in memory of Doolin Moss, a colorful Kentuckian.

Said motion was agreed to.

Mr. Lowman moved that the House do now adjourn until 11:00 o'clock a.m., Wednesday, February 20, 1952.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, FEBRUARY 20, 1952

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker

The House opened with prayer with Father O'Dwyer. Church of the Good Shepherd, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bill Adams	Henry J. Giles	Louis T. Peniston
Dr. John Adkins	Charles M. Greene	Hobart Rayburn
Henry Arrowood	Eugene B. Hancock	Tipton Reed
J. Everett Bach	George F. Harris	J. F. Robinson
Sidney Baer	John Head	Earl Rogers
John Rhea Banton	Farmer Helton	Joe Rouse
Clarence J. Barnum	William K. Henry	Carl J. Ruh
Owen Billington	Thomas D. Hewlett	Amos Runyon
Wm. W. Blanton	Henry R. Heyburn	Cecil Sanders
J. C. Bradley	E. R. Hilton	Clem Schroader
Ed T. Breathitt	Ray Holbrook	Dr. B. F. Shields
Edw. O. Bridgers	Chester J. Holsclaw	John A. Sloan
Thomas L. Britton	William M. Horn	E. A. Spencer
Alex H. Calvert	Paul S. Jonas	Mrs. Thelma Stovall
Walter J. Chyle, Jr.	William L. Jones	E. H. (Ted) Stumbo
Lewis W. Combest	Jennings Kearby	Egbert V. Taylor
Marvin A. Cornett	James W. Lambert	William F. Threlkeld
R. Josh Cosby	Paul M. Lewis	J. B. Veech
Charles M. Crowe	Harry K. Lowman	Eulick (Mike) Walsh
J. C. Denney, Jr.	William Maglinger	Wm. Thos. Wathen
C. E. Dowell	Shelby McCallum	L. M. Weathers
James A. Dressman, Jr.	Russell L. Meadows	Morris Weintraub
Thomas R. Duncan	Tom Mobley	Hicks Wells
R. L. Dunigan	Robert H. Moore	William B. Wells
Jack Early	Walter R. Moorman	W. A. (Pete) Wickliffe
Harold Edwards	Fred H. Morgan	Charles W. Wirsch
William Engle	Earl F. Murphy	Walker H. Wiseman
Roscoe Estep	Thomas J. Murphy	Garrett L. Withers
Herbert Fern	Edwin C. Neville	Charles W. Burnley,
Wm. P. Friedlander	Bart N. Peak	Speaker
Leslie Gay		—90

Mr. Baer moved that the absentees be granted a leave of absence.

Said motion was agreed to.

The absentees were as follows, viz: R. O. Blevins, Mrs. Mary E. Burnett, Henry C. Hale, Jesse H. Lawrence, Mrs. J. T. Linton,

G. Lee McClain, Gus F. Sheehan, Jr., Albert Thomason, Marion Vance, and W. W. Webster.

Mr. Barnum moved that the reading of the Journal of the proceedings of Tuesday, February 19, 1952, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Heyburn moved that the bills be hereafter taken from the Orders of the Day as provided in the Rules, instead of the present procedure.

Two members, Mr. Gale and Heyburn, having requested a roll call, which is as follows, viz:

Those who voted in the affirmative were—

Bill Adams	R. L. Dunigan	Hobart Rayburn
Henry Arrowood	Jack Early	J. F. Robinson
Thomas L. Britton	Roscoe Estep	Earl Rogers
Walter J. Chyle, Jr.	Leslie Gay	Clem Schroader
Marvin A. Cornett	Charles M. Greene	John A. Sloan
Charles M. Crowe	Farmer Helton	E. A. Spencer
J. C. Denney, Jr.	Henry R. Heyburn	Egbert V. Taylor

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Those who voted in the negative were—

Dr. John Adkins, Jr.	Harold Edwards	William L. Jones
J. Everett Bach	William Engle	Jennings Kearby
Sidney Baer	Herbert Fern	Paul M. Lewis
John Rhea Banton	Wm. P. Friedlander	Harry K. Lowman
Clarence J. Barnum	Henry J. Giles	William Maglinger
Owen Billington	Eugene B. Hancock	Russell L. Meadows
William W. Blanton	George F. Harris	Tom Mobley
J. C. Bradley	John Head	Robert H. Moore
Ed T. Breathitt	William K. Henry	Walter R. Moorman
Edw. O. Bridgers	Thomas D. Hewlett	Fred H. Morgan
Alex H. Calvert	E. R. Hilton	Earl F. Murphy
R. Josh Cosby	Ray Holbrook	Thomas J. Murphy
C. E. Dowell	Chester J. Holsclaw	Ewin C. Neville
James A. Dressman, Jr.	William M. Horn	Bart N. Peak
Thomas R. Duncan	Paul S. Jonas	Louis T. Peniston

Joe Rouse	E. H. (Ted) Stumbo	Hicks Wells
Carl J. Ruh	William F. Threlkeld	William B. Wells
Amos Runyon	J. B. Veech	W.A.(Pete)Wickliffe
Cecil Sanders	Eulick (Mike) Walsh	Walker H. Wiseman
Mrs. Thelma Stovall	Wm. Thos. Wathen	Garrett L. Withers

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INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Mr. Maglinger.

H. B. No. 383. AN ACT relating to pension funds for employes of second class cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 90.400 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any city of the second class adopting a civil service plan under KRS 90.310 shall provide by ordinance for the creation and maintenance of a pension fund for employes under civil service by the levy of a tax of not exceeding five cents on each one hundred dollars value of taxable property in the city, the proceeds of that tax to be paid to the pension fund in cash, and may assess monthly such amount or percent of the salary of the employes as may be equitably determined on a fair actuarial basis, not to exceed five percent of the monthly salary of any employe, the assessment to be deducted from the employes' salaries and paid in cash into the pension fund.

(2) Subject to the provisions of subsection (7), the city may create a board for the pension fund and designate trustees of that board, and may fix the powers of the trustees, determine the eligibility of employes or their dependents to a pension or other benefit, and may provide a monthly allowance for employes eligible for a pension not to exceed one-half of the monthly salary of any employe at the time of his retirement.

(3) Temporary employes appointed without examination shall not be compelled to contribute to any pension fund and shall not be eligible to benefits.

(4) In no year shall the contribution by the city to the pension fund, in the manner provided in this section, be less than the total amount assessed upon and deducted from the salary of the employes.

(5) The trustees of the pension fund shall, at least once every three months, report in writing to the mayor the receipts, expenditures and financial status of the pension fund, stating the places of deposit of funds, or the character of investments made, and the mayor shall cause copies of the report to be posted in at least three places where city employes frequent and report.

(6) When any city of the second class adopts an ordinance under this section for the creation of a pension fund and accepts from its employes a portion of their wages and levies a tax therefor, an inviolable contract shall be created between the city as employer and its employes, and the city and its employes shall continue to operate under KRS 90.310 to 90.410 and the adopting ordinance. A repeal of that ordinance by the city shall in no wise affect such employes unless by the mutual consent of the city and an employe or employes.

(7) In any city of the second class having established a pension fund under the provisions of this section, any employe, as defined in KRS 90.110, may, upon the completion of at least twenty years service of which the last five years thereof was consecutive, and being otherwise eligible for a pension, retire on such monthly retirement allowance as is provided.

Said bill was ordered printed and referred.

By Mr. Denney and Sloan.

H. B. No. 384. AN ACT relating to alcoholic beverage licenses.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 243.100 of the Kentucky Revised Statutes is amended to read as follows:

No person shall become a licensee under KRS 243.020 to 243.670 who:

(1) Has been convicted of any misdemeanor directly or indirectly attributable to the use of alcoholic beverages, or any felony, within five years preceding the application;

(2) Is under the age of twenty-one years;

(3) Is not a citizen of the United States and has not had an actual, bona fide residence in this state for at least one year before the date on which his application for a license is made. This subsection shall not apply to applicants for manufacturers' licenses, to applicants that are corporations authorized to do business in this state or to persons licensed on March 7, 1938.

(4) Is a partnership or corporation, unless each member of the partnership or each of the directors, principal officers, managers and employes of the corporation has not been convicted of any misdemeanor directly attributable to the use of alcoholic beverages, or a felony, is twenty-one years of age or more and is a citizen of the United States;

(5) Has had any license issued under this statute relating to the regulation of the manufacture, sale and transportation of alcohol beverages revoked for cause or has been convicted of a violation of any such statute, until the expiration of two years from the date of the revocation or conviction; or

(6) Is a partnership or corporation, if any member of the partnership or any director or principal officer of the corporation has had any license issued under any statute relating to the regulation of the manufacture, sale and transportation of alcoholic beverages, revoked for cause or has been convicted of a violation of any such statute, until

the expiration of two years from the date of the revocation or conviction.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) No person who has been issued a distilled spirits and wine retail drink or package license under the provisions of KRS Chapter 243 shall employ or allow to be employed on the licensed premises any person who has been convicted of a felony within the previous five years.

(2) Any licensee violating the provisions of subsection (1) shall be fined not less than fifty dollars nor more than five hundred dollars.

Said bill was ordered printed and referred.

By Mr. Moorman.

H. B. No. 385. AN ACT providing for the regulation of the practice of ophthalmic dispensing; authorizing the issuance of certificates to qualified ophthalmic dispensers and ophthalmic technicians; creating a Board to be known as the "Kentucky Board of Ophthalmic Dispensers", and conferring duties upon such Board; and providing for penalties for the violation of this Act.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Definitions.

"Board" as used in this Act shall mean the "Kentucky Board of Ophthalmic Dispensers."

"Ophthalmic Dispensing." A person practices ophthalmic dispensing within the meaning of the provisions of this act relating to ophthalmic dispensers, who prepares and dispenses lenses, spectacles, eyeglasses and/or appurtenances thereto to the intended wearers thereof on written prescriptions from physicians or optometrists duly licensed to practice their profession, and in accordance with such prescriptions interprets, measures, adapts, fits and adjusts such lense, spectacles, eye-

glasses and/or appurtenances thereto to the human face for the aid or correction of visual or ocular anomalies of the human eyes. The services and appliances relating to ophthalmic dispensing shall be dispensed, furnished or supplied to the intended wearer or user thereof only upon prescription issued by a physician or optometrist; but duplications, replacements, reproductions or repetitions may be done without prescriptions, in which event any such act shall be construed to be ophthalmic dispensing the same as if performed on the basis of an original written prescription.

2. On and after January 3, 1953, no person shall engage in the practice of ophthalmic dispensing as defined in this Act unless he is duly licensed to practice medicine or optometry in this Commonwealth or unless he is the holder of a certificate as an ophthalmic dispenser; Provided, this section shall not be so construed as to prohibit a firm or corporation from operating a business which comes within the meaning of ophthalmic dispensing, as defined in Section 1 of this Act, if each of its employees either (1) coming in contact with the public and performing for the public any service or services included within the meaning of ophthalmic dispensing, or (2) otherwise performing any work or service required by this Act to be performed by an ophthalmis dispenser, is the holder of a certificate as an ophthalmic dispenser.

3. A certificate as an ophthalmic dispenser shall be issued by the Board to any person—

(a) Who pays a fee of Twenty-five ($25.00) Dollars and submits evidence under oath satisfactory to the Board—

(1) That he is more than twenty-one years of age and of good moral character;

(2) That he has at least two years of satisfactory training and experience in ophthalmic dispensing under the supervision of an ophthalmic dispenser, physician or optometrist, or is a graduate of an accepted school of ophthalmic dispensing.

(3) That he has passed a satisfactory examination in ophthalmic dispensing given by the Board.

4. The Board shall issue a certificate as ophthalmic dispenser to any person who makes application therefor prior to January 1, 1953, and submits evidence under oath satisfactory to the Board that he is more than twenty-one years of age and of good moral character; that he was actually principally engaged as an ophthalmic dispenser in this state on December 31, 1951 and so principally engaged for at least two years prior thereto.

If any person who so desires to secure a certificate without examination shall be in the Armed Forces on January 1, 1953, his time to make application shall be extended until six months after the date of his discharge or release from active duty from such Armed Forces.

5. Nothing in this Act shall be construed to authorize or permit any ophthalmic dispenser to hold himself out as being able to, or to either offer, undertake or attempt, by any means or method, to examine or exercise eyes, to fit contact lenses, or to diagnose, treat, correct, relieve, operate or prescribe for any human ailment, deficiency, deformity, disease, injury, pain or physical condition except that an ophthalmic dispenser holding a certificate as such issued hereunder may fit contact lenses under the supervision of a physician or optometrist.

6. Nothing in the provisions of this Act relating to ophthalmic dispensing shall be construed to limit or restrict, in any respect, the practice of medicine by duly licensed physicians or the practice of optometry by duly licensed optometrists, and such licensed physician or optometrist shall have all the rights and privileges which may accrue under the provisions of this Act to ophthalmic dispensers licensed hereunder.

7. This Act shall not be construed to prohibit an unlicensed person from performing merely mechanical work upon inert matter in an optical office, laboratory or shop.

8. No license shall be suspended or revoked until after a hearing before the Board upon notice to the certificate holder of at least ten days. The notice shall be served either personally or by registered mail and shall state the date and place of the hearing and set forth the ground or grounds constituting the charges against the certificate holder. The certificate holder

shall be heard in his defense either in person or by counsel and may produce witnesses and testify in his own behalf.

9. No ophthalmic dispenser shall advertise, by any means, prices for, or a discount on, or specific terms of payment for, eyeglasses, spectacles or accessories thereto, opthalmic lenses, frames or mounting or by use of the phrases "moderate prices," "low prices," "clinic prices," "guaranteed glasses," "satisfaction guaranteed," or any words of similar import, nor shall he publish, directly or indirectly, any fradulent, false, discriminatory or misleading statement as to the skill or method of practice of any person engaged in or about to engage in the practice of ophthalmic dispensing or with reference to any article or the sale of any article used in connection therewith.

10. The provisions of this Act shall not prohibit persons or corporations from selling completely assembled eyeglasses or spectacles without advice or aid as to the selection thereof as merchandise from permanently located or established places of business.

11. Physicians and optometrists shall have the right to practice ophthalmic dispensing without qualifying under this Act and shall not be subject to any of the provisions herein.

12. A certificate to practice ophthalmic dispensing shall be renewed each year by the payment of a fee of Ten ($10.00) Dollars, unless such certificate has been suspended or revoked by the Board.

13. There is hereby created a Board of Ophthalmic Dispensers to be known as the "Kentucky Board of Ophthalmic Dispensers." It shall consist of five members, to be appointed by the Governor, one member of which shall be a licensed medical physician experienced in the treatment of eyes, and one member of which shall be a licensed optometrist. The other three members shall be licensed ophthalmic dispensers except that on the original Board the three ophthalmic dispensers need not be licensed ophthalmic dispensers, but must be persons experienced in ophthalmic dispensing and must be licensed as ophthalmic dispensers by the Board to hold their positions. They shall not pass upon their own qualifications.

The Board shall elect one of its members chairman and one member secretary-treasurer. These officers shall serve at the pleasure of the Board.

Two members of the Board shall serve for two years from the date of their appointment and qualification and the other three members shall serve for a period of four years from the date of their appointment and qualification. At the expiration of the term of office of any member, the Governor shall appoint a successor for a term of four years. The Board shall serve without compensation. It shall further have the right and power to make such rules and regulations as it deems necessary to carry out the provisions of this Act, and may, under rules, provide for the licensing of apprentice ophthalmic dispensers.

14. All fees imposed and collected under the provisions of this Act shall be paid to the Secretary-Treasurer of the Board for the use of the Board, and shall be deposited in the State Treasury to the credit of an agency fund for the use of the Board.

15. Penalties. Any person who shall directly or indirectly engage in the practice of ophthalmic dispensing or hold himself out to the public as being able so to do, or who shall violate any of the provisions of this Act relating to ophthalmic dispensing, or having had his certificate suspended or revoked shall continue to engage in the practice of ophthalmic dispensing, or who directly or indirectly employs, permits or authorizes an unlicensed person to engage in the practice of ophthalmic dispensing, shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment for not more than thirty days, or by a fine of not more than one hundred dollars or by both such fine and imprisonment, and each such violation shall be deemed a separate offense.

Said bill was ordered printed and referred.

By Mr. Murphy, Earl F., and Rogers.

H. B. No. 386. AN ACT imposing a tax upon the sale, use, consumption, handling or distribution of non-alcoholic beverages; imposing a tax upon the sale, use, consumption, handling or dis-

tribution of syrups used for the purpose of making or mixing non-alcoholic beverages; imposing a tax upon the requiring a permit for each place of business where non-alcoholic beverages or syrups are manufactured, distributed, sold, used, consumed or handled; and appropriating the revenue therefrom.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise;

(a) "Dealer" shall include every person, firm, corporation or association of persons who manufactures or who imports from any state or foreign country any bottled soft drinks or soft drink syrup as herein defined for distribution, sale, use or consumption in this state and any person, firm, corporation or association of persons who sells, offers for sale, or has in his possession for sale, use, consumption or distribution, any bottled soft drinks or soft drink syrup as herein defined who cannot prove that the tax levied by this Act has been previously paid on the said bottled soft drinks or soft drink syrup as herein defined, or that the payment of said tax has been guaranteed by bond which has been furnished and accepted.

(b) "Commissioner" shall mean the Commissioner of Revenue or his duly authorized representatives.

(c) "Retail selling price" shall mean the ordinary, customary or usual price paid by the consumer for each taxable article sold at retail before the tax levied by this Act has been paid.

(d) "Syrup" or "syrups" shall mean the compound mixture or basic ingredient used in the making, mixing or compounding of soft drinks by the mixing with same or carbonated or plain water, ice, fruit, milk or any other product suitable to make a soft drink, among such syrups being such products as coca-cola syrup, chero-cola syrups, lemon syrup, vanilla syrup, cherry smash syrup, rock candy

syrup, simple syrup, nu-grape syrup, Dr. Pepper syrup, or all prepared syrups sold or usable for the purpose of mixing soft drinks. Simple syrups is further defined to mean any syrup made, mixed, compounded, or manufactured by dissolving sugar and water, or any other mixture, which will create what is commonly referred to as "simple syrup," practically and commercially usable in mixing non-bottled soft drinks or in bottling soft drinks. The provisions of this Act shall not apply to syrups used by bottlers in the manufacture of bottled soft drinks: Provided, that the Commissioner of Revenue may promulgate rules and regulations to permit syrup which is to be used for purposes other than making soft drinks to be stored in places where soft drinks are sold at retail.

(e) "Stamp" shall mean the impression, device, stamp, label or print manufactured or printed as prescribed by the Commissioner of Revenue by use of which the tax levied hereunder is paid.

(f) "Crown" shall mean the crown or crowns by the use of which the tax levied hereunder is paid if so authorized by the Commissioner of Revenue.

(g) "Bottled soft drinks" shall include any and all beverages whether carbonated or not, such as soda water, ginger ale, nu-grape, coca-cola, lime-cola, pepsi-cola, Dr. Pepper, fruit juice, milk drinks when any flavoring or syrup is added, cider, cordial, carbonated water, or any and all preparations commonly referred to as sofe drinks of whatsoever kind and description which are closed or sealed in glass, metal, paper or any other type of bottle or container. Soft drinks are further defined to include any and all beverages commonly referred to as soft drinks which are manufactured without the use of any syrup, and any fruit or vegetable juice, with or without added sugar, to which is added any artifical coloring or any artificial flavoring or to which is added any preservative or carbonic gas.

Section 2. There is hereby levied a tax upon the sale, use, consumption, handling or distribution of all bottled

soft drinks and all soft drink syrups herein defined within this state, as follows:

(a) The payment of the taxes herein provided for, shall be indicated by the affixing of Kentucky soft drink tax stamps or crowns to the original containers in which all syrups are received, stored, shipped or handler at the rate of $1.50 for each and every gallon, or fractional part thereof, in said containers.

(b) Any and all soft drinks offered for sale in closed or sealed bottles or containers shall be stamped with Kentucky soft drink tax stamps or crowns, at the rate of two cents on each twelve ounces or fractional part thereof, by affixing said stamps or crowns at said rate to each individual bottle or container.

Section 3. (a) The commissioner shall prescribe the forms of soft drink tax stamps or crowns, and have stamps or crowns prepared for sale in such manner as he deems proper. The commissioner may precribe rules and regulations governing the sale and distribution of stamps or crowns and may require manufacturers or distributors of crowns to furnish bond to insure faithful compliance with such regulations as the commissioner may prescribe governing the sale of crowns to manufacturers, bottlers or importers of bottled soft drinks or soft drink syrups.

Section 4. All manufacturers, wholesale or retail dealers, bottlers, distributors, jobbers, or importers shall affix to each individual bottle containing bottled soft drinks, within twenty-four hours of the time of its manufacture or receipt in this state, the soft drinks tax stamps or crowns indicating payment of the tax as prescribed by this Act, and shall affix to each individual container of soft drink syrup, within seventy-two hours after such syrup is received by them, or if a retailer dealer, within twenty-four hours after such syrup is received by them, the soft drink tax stamps or crowns indicating payment of the tax as prescribed by this Act. Such stamps or crowns shall be affixed and cancelled in a manner prescribed by the commissioner. When the stamp or crown has been affixed as herein required, no

further or other stamp or crown shall be required under the provisions of this Act, regardless of how often such bottled soft drinks or soft drink syrups are sold or resold within this state.

Section 5 . (a) It is the intent and purpose of this Act to levy an excise tax on all bottled soft drinks and syrup, as defined in this Act, when sold, used, consumed, handled or distributed in this state and to collect same from the dealer who first distributes, sells, uses, consumes or handles the same in this state. When a dealer gives away bottled soft drinks or syrup for advertising or any other purpose whatsoever the same shall be taxed in the same manner as if it were sold, used, consumer, handled or distributed in this state.

(b) It is further the intent and purpose of this Act to exempt from the tax levied herein:

(1) Unadulterated fruit juices in their original state;

(2) Milk drinks sold direct to school children on school premises, or sold through a school organization to school children on school premises;

(3) All bottled milk drinks which contain more than fifty percent by volume of fluid milk.

Section 6. (a) Every person in this state who sells or is about to engage in the business of a dealer in any or all of the article or articles taxed hereunder upon which the tax has not been paid and stamps or crowns affixed shall first apply to and obtain from the commissioner a permit or permits and shall obtain a separate permit for each place of business of such dealer, such permit or permits to be conditioned upon compliance with the terms of this Act and the rules and regulations issued thereunder, and shall pay to the commissioner a fee of five dollars for each permit. "Place of business" as used in this section is construed to include the place where articles taxed under this Act are sold or offered for sale, or if sold or offered for sale upon a railroad train or on or from any other vehicle, the vehicle

on which or from which such taxable articles are sold shall constitute a place of business.

(b) The commissioner, after notice and opportunity to be heard, under regulation to be made by him, may revoke the permits of any dealer for violation of this Act, or for willful or persistent violation of rules and regulations made under this Act. No new permit shall be issued to any one whose permit has been revoked except in the discretion of the commissioner.

Section 7. (a) Each and every dealer in soft drink syrup or syrups and bottled soft drinks in this state shall furnish to the Commissioner of Revenue who is charged with the duty of collecting the tax levied by this Act, a bond in the minimum amount of one thousand dollars, guaranteeing the payment of all taxes and penalties levied by this Act, said bond to be executed by a surety company duly qualified to do business in this state. That the tenor, solvency and maximum amount of said bond shall be satisfactory to the commissioner, the maximum amount of said bond to depend upon the volume of business of the dealer and must be in an amount sufficient in the discretion of the commissioner to guarantee the state against any and all losses for taxes and penalties levied by the provisions of this Act.

(b) Each bond submitted to the commissioner must be accompanied by a power of attorney or attorney-in-fact of the agent executing the bond for the surety company, together with a certificate which evidences the fact that the power of attorney or attorney-in-fact was in force and effect as of the date the bond was executed.

Section 8. Every person liable to pay any tax imposed by this Act shall preserve such records and submit reports monthly or less frequently and on a specified date covering a definite period as the commissioner may require. No such person shall refuse to permit the commissioner or his authorized representatives to examine any records pertaining to the business made taxable by this Act. No person shall attempt to do anything to evade full disclosure of the facts

or to avoid the payment in whole or in part of any tax due under this Act. An allowance of one percent discount upon the face value of all stamps and crowns purchased and affixed by any person in payment of the tax provided under this Act shall be allowed. This allowance shall be made only when the commissioner is satisfied that stamps and crowns purchased were actually used and the required records kept and reports made.

Section 9. The Commissioner of Revenue may promulgate rules and regulations to provide for the collection of the amount of tax due on all bottled soft drinks and syrup taxable under the provisions of this Act in possession of dealers, on the effective date of this Act, so as to prevent any bottled soft drinks and syrup being sold within this State without the tax herein provided for being paid.

Section 10. The proceeds of the tax levied by this Act shall be paid into the General Expenditure Fund in the State Treasury.

Section 11. (a) Any person required by this Act to affix stamps or crowns on soft drink syrups or bottled soft drinks as provided herein, who shall fail to properly affix the stamps or crowns within the time prescribed by law, shall be required to pay as a part of the tax imposed hereunder a penalty of twenty percent of the tax, and interest at six percent per annum from the date when due shall be paid as a part of the tax. If any taxpayer subject to the penalty provided in this section submits in writing to the department his reasons for failure to comply with this Act, and if the commissioner finds the reasons evidence of justifiable cause for modifying the penalty he, at his discretion, may modify the penalty to five percent of the amount of tax due and delinquent or ten dollars, whichever shall be the greater. Provided, that any soft drink syrups or bottled soft drinks in the place of business of any person required by this Act to affix soft drink tax stamps or crowns, shall be prima facie evidence that such articles are intended for sale.

(b) Any person who shall reuse or alter, any soft drink

tax stamps or crowns, or use, prepare, buy, sell, offer for sale or knowingly have for sale in his possession any soft drink syrups or bottled soft drinks upon which are affixed counterfeit soft drink tax stamps or crowns, shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned for not less than one nor more than five years, or both.

(c) Any person who violates any reasonable rule or regulation promulgated by the commissioner under this Act, shall be fined not less than twenty-five dollars nor more than five hundred dollars for each offense.

Section 12. There is hereby appropriated to the Department of Revenue from the General Fund for the fiscal years 1952-53 and 1953-54 the sum of $40,000 for the use of the commissioner in administering the provisions of this Act.

Section 13. This Act shall become effective July 1, 1952.

Said bill was ordered printed and referred.

By Mr. Britton.

H. B. No. 387. AN ACT relating to school superintendents.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 160.350 of the Kentucky Revised Statutes is amended to read as follows:

Each board of education shall appoint a superintendent of schools whose term of office shall begin on July 1 following his appointment. The appointment may be for a term of one, two, three or four years. The board shall fix the salary of the superintendent at not less than $1,200 per annum, to be paid in monthly installments. In the case of a vacancy in the office for an unexpired term, the board of education shall make the appointment so that the term will end on June 30. Before any

superintendent assumes his duties he shall present to the board of education that elected him a statement signed by the Superintendent of Public Instruction that he has been duly issued a certificate of administration and supervision issued in accordance with the provisions of law and which qualifies him to hold the position to which he has been elected, and he shall hold such certificate throughout the period of his employment. A superintendent of schools may be removed for cause by a vote of three members of a board of education. Written notice setting out the charges for removal shall be spread on the minutes of the board and given the superintendent fifteen days before action is taken on his removal.

Said bill was ordered printed and referred.

COMMITTEE REPORT

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 81. AN ACT relating to the appellate civil jurisdiction of the Court of Appeals.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 154. AN ACT authorizing the Governor of the Commonwealth of Kentucky to enter into a compact with any other state or states for mutual assistance in meeting any civil defense emergency or disaster.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky

Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 92. AN ACT relating to confederate pensions.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 153. AN ACT concerning civil defense.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. Res. No. 40. A JOINT RESOLUTION providing for the purchase and distribution of copies of the Kentucky Directory, 1952 Edition.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Garrett L. Withers, Acting Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 68. AN ACT relating to motor transportation and motor vehicles.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Garrett L. Withers, Acting Chairman of the Committee

on Kentucky Statutes No. 1, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 256. AN ACT relating to Grade Crossings in Counties containing a city of the first class.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. William W. Blanton, Chairman of the Committee on Judiciary and Judicial Council, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 247. AN ACT relating to officers who shall not practice law.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. William W. Blanton, Chairman of the Committee on Judiciary and Judicial Council, to which same had been previously referred, reported a bill of the following title, viz:

S. B. 73. AN ACT relating to the terms of court in the Third Judicial District.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. William W. Blanton, Chairman of the Committee on Judiciary and Judicial Council, to which same had been previously referred, reported a bill of the following title, viz:

S. B. 91. AN ACT relating to use of photographic copies of business and public records as evidence.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. William W. Blanton, Chairman of the Committee on Judiciary and Judicial Council, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 355. AN ACT relating to circuit court districts.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Edward O. Bridgers, Chairman of the Committee on Motor Transportation, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 25. AN ACT concerning equipment of vehicles.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Edward O. Bridgers, Chairman of the Committee on Motor Transportation, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 343. AN ACT relating to the replacement of glass in motor vehicles.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Edward O. Bridgers, Chairman of the Committee on Motor Transportation, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 70. AN ACT relating to motor transportation and motor vehicles.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Edward O. Bridgers, Chairman of the Committee on

Motor Transportation, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 69. AN ACT relating to reciprocal tax exemptions for nonresident motor carriers.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. William W. Blanton, Chairman of the Committee on Judiciary and Judicial Council, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 346. AN ACT relating to civil jurisdiction of quarterly and justices' courts.

With the expression of opinion that same should not pass.

No motion having been made to give said bill a first reading, the report of the committee to the contrary notwithstanding, it was ordered that said bill be not read the first time, and

So said bill was rejected.

Mr. Walter R. Moorman, Chairman of the Committee on Agriculture, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 286. AN ACT relating to dogs.

With the expression of opinion that same should not pass.

No motion having been made to give said bill a first reading, the report of the committee to the contrary notwithstanding, it was ordered that said bill be not read the first time, and

So said bill was rejected.

CALENDAR

The House took up or consideration from the Calendar, bills of the following titles, viz:

S. B. No. 13. AN ACT concerning the practice of Chiropody.

S. B. No. 115. AN ACT relating to compensation and maintenance of persons performing public services in positions requiring the services of a physician.

S. B. No. 50. AN ACT relating to the licensing, inspection, and regulation of hospitals, public health centers, nursing and convalescent homes and all institutions for the care of the sick.

S. B. No. 48. AN ACT imposing a penalty for removing or altering numbers on farm tractors or other units of farm equipment or machinery, amending Section 433.640 of the KRS.

H. B. No. 280. AN ACT relating to the use of professional titles.

S. B. No. 138. AN ACT relating to the condemnation of property for construction, reconstruction, and maintenance of highways and bridges and facilities related thereto, and repealing KRS 177.075.

H. B. No. 137. AN ACT relating to the diagnosis treatment or correction of all human conditions, ailments, diseases, injuries or infirmities, including the regulation and control of the practice of medicine and osteopathy and the sale of related medicines, instruments, apparatus, mechanisms and appliances.

H. B. No. 159. AN ACT relating to the offering and paying of rewards for the apprehension and conviction of persons guilty of stealing cattle or other domestic animals.

S. B. No. 140. AN ACT relating to a department of Mental Health, and its establishment, organization, personnel, powers, duties, functions, funds and facilities, including provisions for the transfer of functions, funds and facilities from other state departments or agencies.

H. B. No. 144. AN ACT relating to public health.

S. B. No. 43. AN ACT to amend KRS 74.020 to authorize an increase in the salaries of water district commissioners.

S. B. No. 103. AN ACT concerning enforceability of contracts of infants executed to obtain benefits of federal law providing for the making or guaranteeing of loans to war veterans.

S. B. No. 38. AN ACT relating to mechanics ad material-men's liens.

H. B. No. 221. AN ACT relating to water districts.

H. B. No. 172. AN ACT relating to persons handicapped as a result of cerebral palsy, poliomyelitis, muscular dystrophy, or spina bifida.

H. B. No. 299. AN ACT relating to the settlement of the estates of deceased persons, amending section 428 of Carroll's Kentucky Civil Code of Practice.

H. B. No. 335. AN ACT relating to the recording of written instruments.

H. B. No. 306. AN ACT concerning distribution of personal property of persons who die intestate.

H. B. No. 328. AN ACT relating to destruction of certain county court records.

H. B. No. 188. AN ACT relating to the Kentucky Disabled Ex-Service Men's Board amending Section 36.060 of the KRS.

H. B. No. 284. AN ACT relating to Game and Fish.

ORDERS OF THE DAY

Mr. Lowman moved that H. B. No. 165 be laid on the Clerk's Desk.

Said motion was agreed to.

Mr. Lowman moved that H. B. No. 228 be taken from the Orders of the Day and placed upon its passage.

Said motion was disagreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 288. AN ACT amending Section 104.390 of the KRS relating to the State Flood Control and Water Usage Board.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 104.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) There is hereby created in the Department of Conservation a board to be known as the Flood Control and Water Usage Board (hereinafter referred to in KRS 104.390 to 104.440 as the Board). The board shall be composed of nine members, who shall be appointed by the Governor, and not more than five of whom shall be of the same political party. One member shall be appointed from each of nine districts which shall be defined by the Commissioner of Conservation with the approval of the Governor.

(2) Upon the appointment of the first members, the Governor shall designate three members for terms of two years, three for three years, and three for four years; thereafter, except for appointments to fill unexpired terms, each appointment shall be for a term of four years. All terms shall be deemed to commence as of July 1. Appointments shall be made of persons who are qualified to represent the interest of the public in matters pertaining to flood control and municipal and industrial water usages.

(3) As advisors and consultants there shall be associated with the board the Commissioner of Highways, the Commissioner of Health, the Director of the Division of Game and Fish and the President of the University of Kentucky, or their designated representatives. The board shall have the authority to call upon as consultants and advisors any other persons whose qualifications and interests might be of assistance to the board in problems relating to flood control and water usage.

(4) The members of the board shall take the constitutional oath of office, and shall meet within thirty days after their appointment and designate a chairman from among their members and may from time to time change such designation. A majority of the board shall constitute a quorum. The board shall hold at least four regular meetings per year and such additional meetings as may be required, and shall keep a record of its official actions. Members of the board shall receive no compensation

for their services, but shall be entitled to traveling expenses, including meals and lodging, necessarily incurred in discharging their duties.

(5) Administrative units and staffs to aid in the performance of the functions contemplated by KRS 104.390 to 104.440 may be established upon authorization of the Governor in accordance with such detailed organization plan as may be determined by the Governor, under the provisions of KRS Chapters 12, 42 and 45. (1948, c. 229, 1; effective June 17, 1948) Flood Control and Water Usage Board is attached to Department of Conservation, KRS 146.020.

Mr. Morgan moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	William W. Blanton	J. C. Denney, Jr.
Henry Arrowood	J. C. Bradley	C. E. Dowell
J. Everett Bach	Edw. O. Bridgers	James A. Dressman, Jr.
Sidney Baer	Alex H. Calvert	Thomas R. Duncan
John Rhea Banton	Walter J. Chyle, Jr.	Jack Early
Clarence J. Barnum	R. Josh Cosby	Harold Edwards
Owen Billington	Charles M. Crowe	William Engle

Herbert Fern	William Maglinger	Carl J. Ruh
Wm. P. Friedlander	Shelby McCallum	Amos Runyon
Henry J. Giles	Russell L. Meadows	Cecil Sanders
Eugene B. Hancock	Tom Mobley	Clem Schroader
John Head	Robert H. Moore	Mrs. Thelma Stovall
Farmer Helton	Walter R. Moorman	E. H. (Ted) Stumbo
William K. Henry	Fred H. Morgan	Egbert V. Taylor
Thomas D. Hewlett	Thomas J. Murphy	William F. Threlkeld
Henry R. Heyburn	Ewin C. Neville	J. B. Veech
E. R. Hilton	Bart N. Peak	Eulick (Mike) Walsh
Ray Holbrook	Louis T. Peniston	Wm. Thos. Wathen
William M. Horn	Hobart Rayburn	Hicks Wells
Jennings Kearby	Tipton Reed	W.A.(Pete)Wickliffe
Jesse H. Lawrence	J. F. Robinson	Walker H. Wiseman
Paul M. Lewis	Earl Rogers	Garrett L. Withers
Harry K. Lowman	Joe Rouse	

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Those who voted in the negative were—

Bill Adams	R. L. Dunigan	John A. Sloan
Marvin A. Cornett		

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that H. B. No. 228 be taken from the Orders of the Day, and placed upon its passage, said bill by its title is as follows, viz:

H. B. No. 228. AN ACT relating to Workmen's Compensation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 342.020 of the Kentucky Revised Statutes is amended to read at follows:

(1) In addition to all other compensation provided in this chapter, the employer shall furnish for the cure and relief from the effects of an injury, such medical, surgical and hospital

treatment, including nursing, medical and surgical supplies and appliances, as may reasonably be required at the time of the injury and thereafter during disability, but not exceeding a total expense to the employer of more than twenty-five hundred dollars. If the employer fails to furnish such treatment reasonably, he shall be liable for the reasonable expense, within the limits of this section, incurred by or on behalf of the employe in providing such treatments. In an emergency, the employe may call in any available physician or surgeon to administer any first aid reasonably necessary at the expense of the employer within the limits of this section. The board, in its discretion, may apportion payments to be made under this section between hospitals and physicians in cases where their aggregate fees and charges would exceed the maximum for which the employer is liable.

(2) Where a compensible injury results in the amputation of an arm, hand, leg or foot, or the loss of hearing, or the enucleation of an eye or the loss of natural teeth, the employer shall initially furnish in addition to other medical, surgical and hospital treatment enumerated in subsection (1) of this section, a modern artificial member, and where required, proper braces but the employer's liability for such artificial member or braces shall not in addition to his liability for medical, surgical and hospital treatment exceed twenty-five hundred dollars.

Section 2. That section 342.070 of the Kentucky Revised Statutes is amended to read as follows:

If death should result within two years from an accident for which compensation is payable under this chapter, the employer or his insurer shall pay to the person entitled to compensation, or, if none, then to the personal representative of the deceased employe, reasonable burial expenses of a person of the standard of living of the deceased, not to exceed the sum of $300, and shall also pay to or for the following persons compensation as follows:

(1) If there are no dependents there shall be paid in addition to the burial expenses and medical expenses, if any, the further sum of $200, payment to be made to the personal representative of the deceased employe.

(2) If there are one or more wholly dependent persons, 65 percent of the average weekly earnings of the deceased employe, but not to exceed $26 nor less than $7 per week shall be payable, all such payments to be made for the period between the date of death and 400 weeks after the date of accident to the employe, or until the intervening termination of dependency, but in no case to exceed the maximum sum of $9,500.

(3) (a) If there are partly dependent persons, the payments shall be such part of what would be payable for total dependency as the partial dependency existing at the time of the accident to the employe is proportionate to total dependency, and all such payments to be made for the period between the date of death and 400 weeks after the date of the accident to the deceased employe, or until the intervening termination of dependency, but in no case to exceed in the aggregate of compensation on account of such death the maximum sum of $9,500.

(b) Partial dependency shall be determined by the proportion of the earnings of the employe which have been contributed to such partial dependent during one year next preceding the date of injury; if the relation of partial dependency did not exist for one year next preceding the date of injury, the board shall consider all the facts and circumstances and fix such proportion as is fair and reasonable thereunder.

(4) All relations of dependency referred to in this section shall mean dependency existing at the time of the accident to the employe.

(5) If death occurs as a result of the injury after a period of total or partial disability, the period of disability shall be deducted from the total period of compensation and the benefits paid thereunder from the maximum allowed for death by this section.

Section 3. That section 342.075 of the Kentucky Revised Statutes is amended to read as follows:

(1) The following persons shall be presumed to be wholly dependent upon a deceased employe:

(a) A wife upon a husband whom she had not voluntarily abandoned at the time of accident, or who having been abandoned by her husband has not engaged in such conduct since his abandonment as would at common law constitute grounds justfiying the abandonment of such wife by her husband;

(b) A husband incapacitated from wage-earning, upon a wife whom he has not voluntarily abandoned at the time of the accident to the wife; and

(c) A child or children under the age of sixteen years, or over sixteen years if incapacitated from wage-earning, upon the parent with whom such child or children are living or by whom actually supported at the time of the accident.

(2) In all other cases the relation of dependency in whole or in part shall be determined in accordance with the facts of each case existing at the time of the accident.

(3) No person shall be considered a dependent in any degree unless he is living in the household of the employe at the time of the accident, or unless such person bears to the employe the relation of father, mother, husband, or wife, father-in-law or mother-in-law, grandfather or grandmother, child or grandchild, or brother or sister of the whole or half blood."

Section 4. That section 342.095 of Kentucky Revised Statutes is amended to read as follows:

(1) When the injury causes total disability for work, the employer during such disability, except the first seven days thereof, shall pay the employe a weekly compensation equal to 65 percent of his average weekly earnings, not to exceed $27 nor less than $7 per week, such payments to be made during the period of total disability but not longer than 10 years after the date of the injury nor in any case to exceed a maximum sum of $11,500. If the period of total disability begins after a period of partial disability, the period of partial disability shall be deducted from the total period of 10 years during which compensation for total disability may be payable, and the payments made on account of such partial disability shall be deducted from the maximum of $11,500.

(2) In case of the following injuries the disability shall be considered total and permanent:

(a) The total permanent loss of sight in both eyes.

(b) The loss of both feet at or above the ankle.

(c) The loss of both hands at or above the wrist.

(d) A similar loss of one hand and one foot.

(e) A similar loss of one hand and one eye.

(f) A similar loss of one foot and one eye.

(g) An injury to the spine, resulting in permament and complete paralysis of both arms or both legs, or of one arm and one leg.

(h) An injury to the skull resulting in incurable insanity or imbecility.

(3) The enumeration in subsection (2) is not exclusive, but in all other cases the burden of proof shall be on the claimant to prove that his injuries have resulted in permanent total disability.

Section 5. That section 342.100 of the Kentucky Revised Statutes is amended to read as follows:

In case of an injury resulting in temporary partial disability, the employe shall receive during such disability, except the first seven days thereof, a weekly compensation equal to 65 per cent of the difference between his average weekly earnings ebfore the injury and the average weekly earnings that he earns, or is able to earn, in some suitable employment after the injury and during such disability, not to exceed 450 weeks from the date of injury, nor exceeding the sum of $24 per week nor the maximum sum of $9,500. If partial disability follows a period of total disability, the period of total disability shall be deducted from the maximum period allowed for partial disability.

Section 6. That section 342.105 of the Kentucky Revised Statutes is amended to read as follows:

For injuries enumerated in the following schedule the employe shall receive, in addition to temporary total disability

compensation for the period of actual total disability, not exceeding 20 weeks, a weekly compensation equal to 65 percent of his average weekly earnings, but not less than $7 per week nor exceeding $24 per week for the periods stated thereon:

(1) For the loss of a thumb, 65 percent of the average weekly wages during 60 weeks.

(2) For the loss of a first finger, commonly called the index finger, 65 percent of the average weekly wages during 45 weeks.

(3) For the loss of a second finger, 65 percent of the average weekly wages during 30 weeks.

(4) For the loss of a third finger, 65 percent of the average weekly wages during 20 weeks.

(5) For the loss of a fourth finger, commonly known as the little finger, 65 percent of the average weekly wages during 15 weeks.

(6) The loss of the second, or distal phalange, of the thumb shall be considered to be equal to the loss of one-half of the thumb; the loss of more than one-half of the thumb shall be considered equal to the loss of the whole thumb.

(7) The loss of the third, or distal phalange of any finger shall be considered to be equal to the loss of one-third of the finger.

(8) The loss of the middle, or second phalange, of any finger shall be considered equal to the loss of two-thirds of the finger.

(9) The loss of more than the middle and distal phalanges of any finger shall be considered equal to the loss of the whole finger, but in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

(10) For the loss of a metacarpal bone (bone of the palm) for the corresponding thumb, finger or fingers above add 10 weeks to the number of weeks as above.

(11) For ankylosis (total stiffness of) or contractures (due

to sears or injuries) which makes the fingers more than useless, the same number of weeks apply to such finger or fingers (not thumb) as given above.

(12) For the loss of a hand, 65 percent of the average weekly wages during 150 weeks.

(13) For the loss of an arm, 65 percent of the average weekly wages during 200 weeks.

(14) For the loss of one of the toes, other than the great toe, 65 percent of the average weekly wages during 10 weeks.

(15) For the loss of the great toe, 65 percent of the average weekly wages during 30 weeks.

(16) The loss of more than two-thirds of any toe shall be considered to be equal to the loss of the whole toe.

(17) The loss of less than two-thirds of any toe shall be considered to be equal to the loss of one-half toe.

(18) For the loss of a foot, 65 percent of the average weekly wages during 125 weeks.

(19) For the loss of a leg, 65 percent of the average weekly wages during 200 weeks.

(20) For the total and permanent loss of the sight of an eye, 65 percent of the average weekly wages during 100 weeks, plus an additional 20 weeks in cases where the eye ball is enucleated.

(21) For the total and permanent loss of hearing in one ear, 65 percent of the average weekly wages during 75 weeks.

Section 7. That section 342.110 of the Kentucky Revised Statutes is amended to read as follows:

In all other cases of permanent partial disability, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employe, compensation shall be determined according to the percentage of disability, taking into account, among other things, any previous disability, the nature of the physical injury or disfigurement, the occupation of the injured employe and age at the time of

injury. In no event shall compensation for an injury to a member exceed the amount allowable for the loss of such member. The compensation paid therefor shall be 65 percent of the average weekly earnings of the employe but not less than $7 nor more than $24, multiplied by the percentage of disability caused by the injury, for such period as the board determines, not exceeding 450 weeks nor a maximum sum of $9,500. Compensation payable under this section shall not be affected by the earnings of the employe after the accident, whether they be the same, or greater, or less than prior to the accident. Whenever the weekly payments under this section would be less than $5 per week, the period may be shortened and the payments correspondingly increased to that amount. Where compensation, except as provided in KRS 342.020 and 342.030, is paid under any other provision of this chapter, the period during which such other compensation is paid shall be deducted from the maximum period which may be paid under this section.

Section 8. That section 342.370 of Kentucky Revised Statutes is hereby repealed.

Section 9. That section 342.480 of the Kentucky Revised Statutes is amended to read as follows:

(1) All taxes and assessments imposed by KRS 342.450 and 342.475 shall be paid into the State Treasury and shall be credited to a maintenance fund for the Board. The maintenance fund shall be used for ordinary recurring expenses of operation and shall be expended in each year by the Board under the supervision of the Commissioner of Industrial Relations and by allotments made by the budgetary officer of the Department of Finance.

(2) The Workmen's Compensation Board may publish for public distribution the proceeding of the Workmen's Compensation Board. The proceeding including Opinions, Orders, and Awards may be published at such itnervals as may be determined by the Board and approved by the Commissioner. A maximum of 1000 copies of each volume of said proceeding may be published and distribtued and the expenses so incurred paid from the maintenance fund.

(3) Any sum remaining in the maintenance fund to the credit of the Workmen's Compensation Board at the end of any fiscal year shall be set up by the Department of Finance to the credit of the Workmen's Compensation Board for the next ensuing fiscal year.

Mr. Lowman, of the Committee to which said bill had been referred, offered the following amendment, as follows, viz:

Amendment No. 1. Amend printed copy of H. B. 228 on page 1, section 2, lines 30 and 31, by omiting the words "in addition to" and substituting therefore the word "including".

Said motion was agreed to.

Said amendment was adopted.

Mr. Lowman, of the Committee to which said bill had been referred, offered the following amendment, as follows, viz:

Amendment No. 2. Amend printed copy of H. B. 228 section 11, The effective date of this act shall be June 30, 1952.

Said motion was agreed to.

Said amendment was adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Ordered that said bill be engrossed and read at length for the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Charles M. Greene	Ewin C. Neville
Henry Arrowood	Eugene B. Hancock	Bart N. Peak
J. Everett Bach	John Head	Louis T. Peniston
Sidney Baer	Farmer Helton	Hobart Rayburn
Clarence J. Barnum	William K. Henry	Tipton Reed
Owen Billington	Thomas D. Hewlett	J. F. Robinson
William W. Blanton	Henry R. Heyburn	Earl Rogers
J. C. Bradley	E. R. Hilton	Joe Rouse
Thomas L. Britton	Ray Holbrook	Carl J. Ruh
Alex H. Calvert	William M. Horn	Amos Runyon
Walter J. Chyle, Jr.	Paul S. Jonas	Cecil Sanders
Marvin A. Cornett	Jennings Kearby	Clem Schroader
R. Josh Cosby	Jesse H. Lawrence	E. A. Spencer
J. C. Denney, Jr.	Paul M. Lewis	Mrs. Thelma Stovall
C. E. Dowell	Harry K. Lowman	E. H. (Ted) Stumbo
James A. Dressman, Jr.	William Maglinger	Egbert V. Taylor
Thomas R. Duncan	Shelby McCallum	William F. Threlkeld
R. L. Dunigan	Russell L. Meadows	J. B. Veech
Jack Early	Tom Mobley	Eulick (Mike) Walsh
Harold Edwards	Robert H. Moore	Wm. Thos. Wathen
William Engle	Walter R. Moorman	L. M. Weathers
Roscoe Estep	Fred H. Morgan	Hicks Wells
Herbert Fern	Earl F. Murphy	Walker H. Wiseman
Wm. P. Friedlander	Thomas J. Murphy	Garrett L. Withers
Henry J. Giles		—73

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 289. AN ACT amending Section 146.090 of the KRS relating to the Soil and water Resources Commission.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 146.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Soil and Water Resources Commission shall consist of nine members, not more than five of whom shall be of the same political party, to be appointed by the Commissioner of Conservation from districts which shall be defined by the Commissioner of Conservation with the approval of the Governor.

(2) One member shall be appointed from each of the districts from a list of two names submitted from each such district by the supervisors of the soil conservation districts that have their principal offices therein. All members shall be supervisors of soil conservation districts.

(3) The term of office of each such member shall be four years except that as to the members first appointed the Commissioner of Conservation shall designate three members for terms of two years, three for three years, and three for four years; provided that, whenever a member of the commission ceases to hold the office of district supervisor by virtue of which he is serving on the commission, his term of office as a member of the commission shall be terminated, in which case, and in the case of any other vacancy other than one caused by the expiration of a term, a successor shall be appointed by the Commissioner of Conservation to serve the remainder of the unexpired term.

(4) The members of the commission shall designate a chairman from among their members and may from time to time change such designation. The commission may employ such other officers, employes, and agents as it deems necessary and shall provide for surety bonds for members, the directors, officers, employes or agents if entrusted with funds or property, and it shall keep a record of its official actions. A majority of the commission shall constitute a quorum. The commission may call upon the Attorney-General for such legal services as it may require. It may delegate to its chairman,

any of its members, the director of the division or any officer, employe, or agent, such powers and duties as it deems proper. Members of the Commission shall receive no compensation for their services, but shall be entitled to expenses, including traveling expenses, necessarily incurred in discharging their duties.

Mr. Morgan moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	R. Josh Cosby	Farmer Helton
Dr. John Adkins, Jr.	Charles M. Crowe	William K. Henry
Henry Arrowood	J. C. Denney, Jr.	Thomas D. Hewlett
J. Everett Bach	C. E. Dowell	Henry R. Heyburn
Sidney Baer	James A. Dressman, Jr.	E. R. Hilton
John Rhea Banton	Thomas R. Duncan	Ray Holbrook
Clarence J. Barnum	R. L. Dunigan	Chester J. Holsclaw
Owen Billington	Jack Early	William M. Horn
J. C. Bradley	William Engle	Paul S. Jonas
Edw. O. Bridgers	Herbert Fern	Jennings Kearby
Thomas L. Britton	Wm. P. Friedlander	James W. Lambert
Alex H. Calvert	Henry J. Giles	Jesse H. Lawrence
Walter J. Chyle, Jr.	Eugene B. Hancock	Paul M. Lewis
Marvin A. Cornett	George F. Harris	Harry K. Lowman

Shelby McCallum	Hobart Rayburn	Mrs. Thelma Stovall
Russell L. Meadows	Tipton Reed	E. H. (Ted) Stumbo
Tom Mobley	J. F. Robinson	Egbert V. Taylor
Robert H. Moore	Earl Rogers	William F. Threlkeld
Walter R. Moorman	Joe Rouse	J. B. Veech
Fred H. Morgan	Carl J. Ruh	Wm. Thos. Wathen
Earl F. Murphy	Amos Runyon	Hicks Wells
Thomas J. Murphy	Cecil Sanders	W.A.(Pete)Wickliffe
Ewin C. Neville	Clem Schroader	Walker H. Wiseman
Bart N. Peak	John A. Sloan	Garrett L. Withers
Louis T. Peniston	E. A. Spencer	—73

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 276. AN ACT relating to income taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (5) of Section 141.010 of the Kentucky Revised Statutes is amended to read as follows:

"Gross income" including gains, profits and income derived from salaries, wages or compensation for personal services of whatever kind and in whatever form paid, or from professions, vocations, trades, businesses, commerce or sales or dealings in property, whether real or personal, except as provided in subsection (2) of KRS 141.100, growing out of the ownership, use or interest in such property, or from rent, royalties, interest, dividends, securities or transactions of any business carried on for gain or profit, or gains, profits and income derived from any source whatever, including gains profits and income derived through estates or trusts by the beneficiaries thereof, whether

as distributive or as distributable shares. The amount of all these items shall be included in the gross income for the taxable year in which received by the taxpayer, unless under the methods of accounting permitted in this chapter, the amounts are to be properly accounted for as of a different period. In the case of the death of a taxpayer, amounts accrued up to the date of his death that are not otherwise properly includible in respect of the period ending with his death or a prior period, shall be included in the gross income of the taxpayer, or taxpayers, required to report such amounts for federal income tax purposes.

Section 2. Subsection (6) of Section 141.010 of the Kentucky Revised Statutes is amended to read as follows:

"Gross income" does not include the following items, which shall be exempt from taxation under this chapter:

(a) The proceeds of life insurance policies paid by reason of the death of the insured, except that interest thereon shall be assessed under the provisions of this chapter.

(b) Amounts received, other than amounts paid by reason of the death of the insured, under life insurance, endowment or annuity contracts, either during the term or at maturity or upon surrender of the contract, equal to the total amount of premiums paid thereon, except that in the case of annuities either for life or for a fixed term, the excess value thereof over the amount of the premiums paid, derived through application of the life expectancy under the United States mortality tables or the number of years of the fixed term, shall not be exempt, and shall, for the purpose of computing the annual taxable income, be divided by the number of years the annuities are payable. The annual income so computed shall be taxable as is other income.

(c) The value of property acquired by gift, bequest, devise or inheritance received during the year, except that the income received by reason of such gifts, bequests, devises and inheritances shall be assessed under the provisions of this chapter.

(d) Any amount received through accident or health insurance or under the workmen's compensation law for personal

injuries or sickness, and the amount of any damages received, whether by suit or agreement, on account of such injuries or sickness.

(e) Interest upon the obligations of the United States and of any instrumentalities of the Federal Government, and interest upon the obligations of this state or any of its political subdivisions and municipalities and instrumentalities thereof.

(f) All income received from the Federal Government by any person or his dependents as current compensation or allowances for service in the United States Army, Navy, Air Force Marines or Nursing Service of the United States Government during the national emergency involving military mobilization.

Section 3. Subsection (1) of Section 141.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever an individual who is a resident of this state has become liable for income tax to another state upon all or any part of his net income for the taxable year, derived from sources without this state and subject to taxation under this chapter, the amount of income tax payable by him under this chapter shall be credited on his return with the income tax so paid by him to the other state, upon his producing to the proper assessing officer satisfactory evidence of the fact of such payment, except that application of such credits shall not operate to reduce the tax payable under this chapter to an amount less than would have been payable were the income from the other state ignored. The credit provided for by this subsection shall not be granted to a taxpayer when the laws of the other state, under which the income in question is subject to tax assessment, provide for a credit to the taxpayer substantially similar to that granted by subsection (2) of this section.

Section 4. A new section of the Kentucky Revised Statutes is hereby created, to be numbered KRS 141.079, and to read as follows:

Unless otherwise provided in this chapter, the deductions and credits allowed under the provisions of this chapter shall be taken for the taxable year in which "paid or accrued" or

"paid or incurred," dependent upon the method of accounting upon the basis of which the net income is computed, unless in order to clearly reflect the income the deductions or credits should be taken as of a different period. In the case of the death of a taxpayer, amounts accrued up to the date of his death that are not otherwise properly allowable in respect of the period ending with his death or a prior period, shall be allowable to the same person and to the same extent such amounts are allowable for federal income tax purposes.

Section 5. Subsection (1) of Section 141.080 of the Kentucky Revised Statutes is amended to read as follows:

All ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation paid for personal services actually rendered in producing the taxable income. In the case of an individual, all the ordinary and necessary expenses paid or incurred during the taxable year for the production or collection of income, or for the management, conservation, or maintenance of property held for the production of income.

Section 6. Subsection (8) of Section 141.080 of the Kentucky Revised Statutes is amended to read as follows:

(a) A reasonable allowance for exhaustion, wear and tear of property used in trade or business, and property held for production of income, including a reasonable allowance for obsolescence and including in the case of natural resources (other than timber), allowances for depletion equivalent to those allowed for federal income tax purposes; in the case of timber, allowances for depletion equivalent to those allowed under the federal income tax law in effect on August 7, 1936. Provided, that, in no case where percentage depletion is employed shall the deduction allowed for depletion exceed fifty per cent of net income computed without consideration of the depletion allowance.

(b) Where property is held by one person for life with remainder to another person, the deduction shall be computed as if the life tenant were the absolute owner of the property and

shall be allowed to the life tenant. In the case of property held in trust the allowable deduction shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the instrument creating the trust, or in the absence of such provisions, on the basis of the trust income allocable to each.

Section 7. Subsection (11) of Section 141.080 of the Kentucky Revised Statutes is repealed.

Section 8. Section 141.090 of the Kentucky Revised Statutes is amended to read as follows:

In computing net income no deduction shall be allowed in respect of:

(1) Personal, living or family expenses.

(2) Any amount paid out for new buildings or new machinery for permanent improvements or betterments, or for any other capital outlay made to increase the value of any property or estate.

(3) Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made.

(4) Premiums paid on a life insurance policy covering the life of any officer or employe, or of any person financially interested in any trade or business carried on by the taxpayer, when the taxpayer is directly a beneficiary under the policy.

(5) Losses from wagering transactions.

(6) So-called losses resulting from transactions made between husband and wife, parent and child, brothers, sisters, or brother and sister that would, if allowed, reduce the taxpayer's net income in such a way as to decrease the tax due the state, such sales being prima facie mere transfers within the family and not as giving rise to losses that are deductible.

(7) Taxes paid, or accrued, to any state if measured by or based on, net income.

Section 9. Sub-paragraph (a) of subsection (1) of Section

141.190 of the Kentucky Revised Statutes is amended to read as follows:

If he acts for a living individual whose entire income from whatever source derived is in his charge, and that individual, if competent, would be required under the provisions of KRS 141.180 (1) to make and file a return.

Section 10. Section 141.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) As soon as practicable after each return is received, the Department of Revenue shall examine and audit it. If the amount of tax computed by the department is greater than the amount returned by the taxpayer, the excess shall be assessed by the department within four years from the date the return was filed, except as provided in subsection (2) of this section, and except that in the case of a failure to file a return or of a fraudulent return the excess may be assessed at any time and in the case of a return wherein the taxpayer omits from gross income an amount properly includible therein which is in excess of twenty-five per cent of the amount of gross income stated in the return the excess may be assessed at any time within six years after the return was filed; provided, however, that if any excess is assessed on account of any income which has been returned for taxation by any other taxpayer, the department, with the consent of such other taxpayer, his personal representatives or heirs, shall reduce the amount of the excess assessed for each year by the amount of the income tax paid for that year by such other taxpayer on account of the income in question. A notice of such assessment shall be mailed to the taxpayer. The time herein provided, may be extended by agreement between the taxpayer and the department.

(2) Every person required to file a return under the provisions of this chapter who receives notice of any adjustment or proposed adjustment concerning his federal income tax return or any federal income tax return filed by him on behalf of any taxable entity, or who executes a waiver agreement with the Federal Government, shall immediately inform the department of such fact. In case of failure to comply with the provisions of

this subsection the amount of excess tax computed by the department may be assessed at any time.

(3) For the purpose of subsection (1) of this section a return filed before the last day prescribed by law for the filing thereof shall be considered as filed on such last day.

Section 11. Section 141.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The full amount of the tax payable by any taxpayer, as appears from the face of the return, shall be paid to the Department of Revenue at the time fixed for filing returns, except as provided in subsection (2).

(2) Any taxpayer filing a return showing an amount due of thirty dollars or more, may defer payment of one-third of the amount shown by the return to be due until the fifteenth day of the seventh month following the end of the taxable year and an additional one-third until the fifteenth day of the eleventh month following the end of the taxable year. Such deferred payment shall not be subject to any interest charge, if the payments are received within the times specified. If any installment is not paid when due the full amount of the taxpayer's liability becomes due and payable on the date the installment becomes delinquent.

Section 12. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 141.225 and to read as follows:

(1) Every person on active service with the United States Army, Navy, Marines, Air Force, or nursing Service of the United States Government who is required by law to file an income tax return and pay income taxes to the State of Kentucky shall not be required to file such return and pay such taxes, which would otherwise become due during such period of service, until twelve months after the termination of the national emergency, or twelve months after the termination of his period of military service, whichever is the earlier.

(2) The provisions of this section shall be effective for returns due for all taxable years beginning on or after January 1, 1951.

Section 13. Unless otherwise provided herein, the provisions of this Act shall be applicable to all taxpayers for taxable years beginning on or after January 1, 1952.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provisions as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Jack Early	William M. Horn
Henry Arrowood	Harold Edwards	Jennings Kearby
J. Everett Bach	William Engle	Jesse H. Lawrence
Sidney Baer	Herbert Fern	Paul M. Lewis
John Rhea Banton	Wm. P. Friedlander	Harry K. Lowman
Clarence J. Barnum	Henry J. Giles	Shelby McCallum
Owen Billington	Charles M. Greene	Russell L. Meadows
J. C. Bradley	Eugene B. Hancock	Tom Mobley
Ed T. Breathitt	George F. Harris	Robert H. Moore
Edw. O. Bridgers	Farmer Helton	Walter R. Moorman
Walter J. Chyle, Jr.	William K. Henry	Fred H. Morgan
Marvin A. Cornett	Thomas D. Hewlett	Earl F. Murphy
R. Josh Cosby	Henry R. Heyburn	Thomas J. Murphy
C. E. Dowell	E. R. Hilton	Ewin C. Neville
James A. Dressman, Jr.	Chester J. Holsclaw	Bart N. Peak

Louis T. Peniston	Cecil Sanders	Eulick (Mike) Walsh
Hobart Rayburn	Clem Schroader	Wm. Thos. Wathen
Tipton Reed	E. A. Spencer	L. M. Weathers
J. F. Robinson	Mrs. Thelma Stovall	Hicks Wells
Earl Rogers	E. H. (Ted) Stumbo	W.A.(Pete)Wickliffe
Joe Rouse	Egbert V. Taylor	Walker H. Wiseman
Carl J. Ruh	William F. Thelkeld	—67
Amos Runyon	J. B. Veech	

Those who voted in the negative were—

Charles M. Crowe	R. L. Dunigan	Leslie Gay
J. C. Denney, Jr.		—4

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that H. B. No. 275 be taken from the Orders of the Day, and placed upon its passage, said bill by its title is as follows, viz:

H. B. No. 275. AN ACT relating to the excise tax on gasoline.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 138.210 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 138.220 to 138.340, unless the context requires otherwise:

(1) "Accountable loss" of gasoline means loss or destruction of "received" gasoline, through wrecking of transportation conveyance, explosion, or fire, that has been reported to the Department of Revenue in a manner and form prescribed by the department, supported by positive and conclusive evidence, in the judgment of the department, of the alleged loss, and con-

firmed in writing to the reporting dealer by the department, after any investigation deemed necessary by the department to establish the bona fide claim of the loss.

(2) "Dealer" means any person who imports or causes to be imported into this state gasoline for storage, use, distribution, or sale and delivery in this state and after it has reached this state; also any person who produces, refines, manufactures, compounds or stores gasoline in this state for use, distribution or sale and delivery in this state; also any person who receives gasoline by tank car, barge or pipe-line delivery from any point within this state upon which gasoline the excise tax levied by KRS 138.220 has not been paid; also any person importing or causing to be imported into this state gasoline in the fuel tank or any auxiliary tank of his motor vehicle in a quantity in excess of thirty gallons.

(3) "Department" means the Department of Revenue.

(4) "Gasoline" means all liquid fuels, including liquids ordinarily, practically and commercially usable in internal combustion engines for the generation of power, and all distillates of and condensates from petroleum, natural gas, coal, coal tar, vegetable ferments and all other products so usable except kerosene, cleaner solvent, fuel oil, diesel fuel and crude oil.

(5) "Received," as applied to gasoline, means when it has been imported into this state by any person for use, distribution, or delivery and sale and when it has been placed in tanks or other containers for use or subject to withdrawal for use, distribution or sale and delivery. Gasoline produced, refined, manufactured or compounded at any refinery in this state by any person shall be deemed to be received by such person when it has been loaded into tank cars for delivery within this state or placed in any tank from which sales or deliveries are made at the refinery where it is produced, refined, manufactured or compounded. Gasoline imported by any person into this state and received through delivery by boat at a marine terminal for storage, or delivered by pipe-line at a pipe-line terminal for storage, shall be deemed to be received when it has been loaded into tank cars for delivery within this state or placed in any tank from which sales or deliveries are made at such marine or

pipe-line terminals. Dealers may sell gasoline to licensed bonded dealers in this state in transport truckload, carload or cargo lots, withdrawing such gasoline from refinery, marine or pipe-line terminal storage tanks, without paying the tax on such gasoline. In such instances the licensed bonded dealer purchasing such gasoline shall be deemed to have received such gasoline, and shall assume responsibility to the state for the payment of the tax thereon and shall report and pay the tax on such gasoline purchased and received.

(6) "Refinery" means any place where gasoline is refined, manufactured, compounded or otherwise prepared for use.

(7) "Storage" means all gasoline produced, refined, distilled, manufactured, blended or compounded and stored at a refinery storage or delivered by boat at a marine terminal for storage or delivered by pipeline at a pipeline terminal, delivery station or tank farm for storage.

(8)"Transporter" means any person who transports gasoline on which the tax has not been paid or assumed.

Section 2. Section 138.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who produces, refines, manufactures, or compounds gasoline in this state shall, by the last day of each month, file a report with the Department of Revenue, on forms prescribed by it, covering the next preceding calendar month, showing the number of gallons of gasoline at sixty degrees Fahrenheit produced, refined, manufactured or compounded, the number of gallons at sixty degrees Fahrenheit withdrawn from storage and received and the number of gallons withdrawn at sixty degrees Fahrenheit from refinery storage and shipped to points outside of this state, and the number of gallons at sixty degrees Fahrenheit withdrawn from refinery storage and shipped to points within this state upon which the tax has not been paid. This report shall give in detail such information as the department may require, regarding each separate shipment, the date of shipment, the number of gallons at sixty degrees Fahrenheit in each shipment, the name of owner and license number of truck if shipped by transport truck, the initial

and number of tank car if shipped by rail, the name and owner of barge if shipped by water, the name and address of person to whom shipped, the point of shipment, the point of destination and the name of carrier to whom delivered for transportation to destination.

(2) Any person who imports and stores gasoline in any marine or pipeline terminal storage in this state shall by the last day of the month, file a report with the Department of Revenue, on forms prescribed by it, covering the next preceding calendar month, showing the number of gallons of gasoline at sixty degrees Fahrenheit unexported and stored, the number of gallons at sixty degrees Fahrenheit withdrawn from storage and received, the number of gallons at sixty degrees Fahrenheit withdrawn from storage and shipped to points outside of this state, and the number of gallons of gasoline at sixty degrees Fahrenheit withdrawn from storage and shipped to points within this state, upon which the tax has not been paid. This report shall give in detail such information as the department may require, regarding each separte shipment, the date of shipment, the number of gallons at sixty degrees Fahrenheit in each shipment, the name of owner and license number of truck if shipped by transport truck, the initial and number of tank car if shipped by rail, the name and owner of barge if shipped by water, the name and address of person to whom shipped, the point of shipment and point of destination, and the name of carrier to whom delivered for transportation to destination.

(3) There shall be allowed a monthly deduction of that number of gallons equal to three-fourths of one per cent of the total number of gallons of gasoline stored in any marine terminal, refinery or pipeline terminal, this deduction being allowed for reporting, evaporation, shrinkage and unaccountable losses while in storage. The remaining ninety-nine and one quarter per cent of such gasoline placed in storage must be fully accounted for as in physical inventory, accountable loss, withdrawn for export or withdrawn from storage and received for taxable purposes. Any gain by virtue of this allowance shall be a credit against the number of gallons received and reported.

(4) The number of gallons of gasoline added to marine,

pipeline or refinery storage shall be determined by the department by actual measurement of terminal storage tanks in the manner it deems necessary. All operators of marine terminals shall notify the department of all barge shipments in sufficient time in advance of the arrival of the shipment to make it possible for the department to measure terminal storage tanks before and after unloading of the gasoline. Such notice shall be given in such form and manner as required by the department.

Section 3. Section 138.310 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall receive, use, sell, transport, store or distribute any gasoline upon which the tax has not been paid or assumed or engage in the sale, storage or transportation of any gasoline within this state upon which the tax has not been paid unless he is the holder of an uncancelled license issued by the Department of Revenue to engage in such business.

(2) Any licensed transporter other than a regularly licensed gasoline dealer transporting gasoline upon which the tax has not been paid or assumed by motor vehicle shall have plainly painted thereon name, address, and permit number of licensed transporter.

(3) Any person who engages in the business of receiving, using, selling, transporting, storing or distributing gasoline in this state as a dealer, storage operator or transporter without holding an uncancelled license to engage in such business, or who, without such license, receives, uses, sells, transports, stores, or distributes any gasoline upon which the tax imposed by KRS 138.220 has not been reported and paid, shall pay a penalty equal to twenty per cent of the amount of the tax on such gasoline so received, used, sold, transported, stored or distributed.

Section 4. Section 138.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) If any dealer neglects or refuses to make the return required by KRS 138.240 or to pay the tax at the time provided, a penalty of twenty per cent thereof and interest at six per cent per annum from the date when due shall be paid as a part of the tax. If collected by proceedings in court, an additional penalty

of twenty per cent shall be collected and distributed as is authorized by KRS 134.400 and 135.060.

(2) If any taxpayer subject to the penalty provided in subsection (1) of this section submits in writing to the department, his reasons for failure to comply with KRS 138.240, and if the department finds the reasons evidence of justifiable cause for modifying the penalty provided in subsection (1) of this section, it may modify the penalty exacted therein to five per cent of the amount of the tax due and delinquent, provided the five per cent penalty may be reduced to a one per cent penalty if the violation is the first violation by the taxpayer within twelve months.

(3) Any dealer or transporter who fails to make any report or return required under KRS 138.240 or KRS 138.260 within the time required shall pay a penalty of ten dollars to be assessed and collected in the manner provided for the assessment and collection of taxes under KRS 138.210 to KRS 138.340 inclusive or in a civil action, at the instance of the department. In addition such delinquent may be compelled to make the required report or return.

Section 5. Section 138.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) To procure the license required by KRS 138.310, every dealer or transporter so required shall file with the Department of Revenue an application under oath or affirmation, in such form and containing such information as the department may deem necessary.

(2) If the dealer or transporter is a corporation organized under the laws of another state, it shall file with its application a certified copy of the certificate or license issued by the Secretary of State of this state showing that the corporation is authorized to transact business in this state.

(3) At the time of filing application for a license, a bond of the character stipulated and in the amount provided for in KRS 138.330 shall be filed with the department. No license shall be issued upon any application unless accompanied by this bond.

(4) If application for such a license is filed by any person whose license has at any time previously been canceled for cause by the department, or if the department is of the opinion that the application is not filed in good faith, or that the application is filed by some person as a subterfuge for the real person in interest whose license or registration has previously been canceled for cause by the department, the department may, after a hearing of which the applicant has been given five days' notice in writing, and in which the applicant shall have the right to appear in person or by counsel and present testimony, refuse to issue a license to that person.

(5) The application in proper form having been accepted for filing, and the bond having been accepted and approved, the department shall issue to the applicant a license, subject to cancellation as provided by KRS 138.340. The license shall not be assignable, and shall be valid only for the person in whose name it is issued, and shall be displayed conspicuously in the principal place of business of the dealer in this state.

(6) The department shall keep and file all applications and bonds, with an alphabetical index thereof, together with a record of all licensed dealers or transporters. The department shall publish and keep currently up to date a list of licensed dealers and transporters, and transmit a copy of list and all revisions thereof to all licensed dealers and transporters.

Section 6. Section 138.330 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every dealer or transporter required to be licensed under KRS 138.310 shall file with the Department of Revenue a bond in the minimum amount of five thousand dollars, and up to a maximum amount sufficient in the opinion of the department, considering the financial rating and reputation of the company, to insure payment to the state of the amount of tax, penalties and interest for which the dealer or transporter may become liable. The bond shall be on a form and with a surety approved by the department. The dealer or transporter shall be the principal obligor and the state the obligee. The bond shall be conditioned upon the prompt filing of true reports and the payment by the dealer to the State Treasurer of all gasoline

excise taxes now or hereafter imposed by the state, together with all penalties and interest thereon, and generally upon faithful compliance with the provisions of KRS 138.210 to 138.340.

(2) If liability upon the bond is discharged or reduced, whether by judgment rendered, payment made or otherwise, or if in the opinion of the department any surety on the bond has become unsatisfactory or unacceptable, the department may require the licensee to file a new bond with satisfactory sureties in the same amount, failing with the department shall forthwith cancel the license of such licensee. If a new bond is furnished as provided above, the department shall cancel and surrender the bond for which the new bond is substituted.

(3) If upon hearing, of which the licensee shall be given five days' in writing, the department decides that the amount of the existing bond is insufficient to insure payment to the state of the amount of tax, penalties and interest for which the licensee is or may become liable, said licensee shall forthwith, upon the written demand of the department, file an additional bond in the same manner and form with a surety thereon apporved by the department, in any amount determined by the department to be necessary, failing which the department shall forthwith cancel the license of the licensee.

(4) Any surety on a bond furnished as required by this section shall be released from all liability to the state accruing on such bond after the expiration of sixty days from the date upon which the surety has lodged with the department a written request to be released, but this request shall not operate to release the surety from any liability already accrued or which shall accrue before the expiration of the sixty-day period. The department shall promptly, upon receipt of such request, notify the licensee who furnished the bond, and unless said licensee, before the expiration of the sixty-day period, files with the department a new bond with a surety satisfactory to the department in the amount and form hereinbefore provided, the department shall forthwith cancel the license of the licensee. If approved new bond is furnished the department shall cancel and surrender the bond for which the new bond is substituted.

Section 7. Section 138.340 of the Kentucky Revised Statutes is amended to read as follows:

(1) If any dealer or transporter required to be licensed under KRS 138.310 files a false monthly report of the data or information required by KRS 138.220 to 138.280, or fails, refuses or neglects to file the monthly report required by those sections, even though no tax is due, or to pay the full amount of tax as required by those sections, said dealer or transporter may be cited by the Department of Revenue to show cause at a public hearing before the Kentucky Tax Commission why his license should not be revoked by the commission. Such licensee shall be notified by registered letter or summons. The latter or summons shall appraise the licensee of the charge or charges made against him and he shall have a reasonable opportunity to be heard before his license may be revoked. The summons may be served in the same manner and by the same officers or persons as provided by the Kentucky Civil Code of Practice, or it may be served in said manner by an employee of the Department of Revenue. The hearing shall be set at least five days after the summons is served or the letter delivered. Any aggrieved licensee may appeal from an order of the Kentucky Tax Commission in the manner provided for appeals from other of its rulings subject to the condition that licensee has made bond sufficient in the opinion of the Department of Revenue to protect the Commonwealth from loss of revenue.

(2) The department is hereby given the power to cancel the license upon request in writing from licensee such cancellation to become effective sixty days from the date of receipt of the request. But no license shall be canceled upon the request of any licensee until and unless said licensee prior to the date of such cancellation, pays to the state all excise taxes payable under the laws of the state together with any and all penalties and fines accruing by reason of any failure on the part of such licensee to make accurate reports as required or pay such taxes and penalties.

Mr. Lowman, of the Committee to which said bill had been referred, offered the following amendment, viz:

Amendment No. 1. Amend printed copy of H. B. 275 on

page 10, section 6, line 29, by inserting the word "notice" after the word "days" and before the word "in."

Said motion was agreed to.

Said amendment was adopted.

Mr. Lowman, of the Committee to which said bill had been referred, offered the following amendment, viz:

Amendment No. 2. Amend printed copy of H. B. 275 on page 2, section 1, line (s) 31 and 32, by inserting the words "propane, butane or other liquified petroleum gases", after the word "except" in line 31 and before the word "kerosene" in line 32.

Said motion was agreed to.

Said amendment was adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Ordered that said bill be engrossed and read at length for the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	John Rhea Banton	Ed T. Breathitt
Henry Arrowood	Clarence J. Barnum	Edw. O. Bridgers
J. Everett Bach	Owen Billington	Thomas L. Britton
Sidney Baer	J. C. Bradley	Walter J. Chyle, Jr.

Marvin A. Cornett	Chester J. Holsclaw	Joe Rouse
R. Josh Cosby	William M. Horn	Carl J. Ruh
Charles M. Crowe	Jennings Kearby	Amos Runyon
J. C. Denney, Jr.	Paul M. Lewis	Cecil Sanders
C. E. Dowell	Harry K. Lowman	Clem Schroader
James A. Dressman, Jr.	William Maglinger	Dr. B. F. Shields
Thomas R. Duncan	Shelby McCallum	John A. Sloan
Jack Early	Russell L. Meadows	E. H. (Ted) Stumbo
Harold Edwards	Tom Mobley	Egbert V. Taylor
William Engle	Robert H. Moore	William F. Threlkeld
Herbert Fern	Walter R. Moorman	J. B. Veech
Wm. P. Friedlander	Fred H. Morgan	Eulick (Mike) Walsh
Leslie Gay	Thomas J. Murphy	Wm. Thos. Wathen
George F. Harris	Louis T. Peniston	L. M. Weathers
William K. Henry	Hobart Rayburn	Hicks Wells
Thomas D. Hewlett	Tipton Reed	W. A. (Pete) Wickliffe
E. R. Hilton	J. F. Robinson	Walker H. Wiseman
Ray Holbrook		

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 84. AN ACT amending Section 271.445 of the KRS.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 271.445 of the Kentucky Revised Statutes be amended by repealing said section in its entirety and enacting in lieu thereof the following:

"271.445 *Amendment of Articles of Incorporation.* (1) A corporation may, at a meeting of the shareholders duly called

upon notice of the specific purpose, and in the manner provided in this section and in KRS 271.450 and 271.455, amend its articles in any respect so as to include any provision authorized by this chapter, or so as to add to its corporate purposes or to diminish the same, or both, or substitute other purposes in whole or in part for those prescribed in the original articles or any previous amendment thereto, or so as to extend the period of its duration for a further definite time or perpetually. Provided, however, that an amendment to the articles of incorporation of any corporation whose original period of duration shall have expired subsequent to July 1, 1949, the only effect of which is to extend the period of such corporation's duration, may be made within three years after the expiration of the period of its original duration; and provided further that no such amendment may be made after the expiration of the period of the corporation's original duration unless it continuously has engaged in the usual course of its business and has taken no steps toward dissolution or winding up its affairs previous to the filing of the amended articles. Any such amendment made after the expiration of the original life of the corporation may be rendered retroactive to, and effective as of, the date of the expiration of its original period of duration, and shall have the effect of ratifying and validating all intervening acts of the corporation if a pronouncement to that effect be incorporated in the amended articles.

"(2) An amendment of the articles of incorporation may be adopted by vote of the holders of a majority of the voting power of all shareholders entitled to vote or by such vote as the articles of incorporation may require, which shall not be less than the vote of the holders of a majority of such voting power.

"(3) If an amendment would altar or change the preferences, special rights or powers given to the holders of shares of any class or classes so as to affect the same adversely, or would increase the number of or would increase or decrease the par value of shares of any class or classes, then the holders of each class of shares so affected by the amendment shall be entitled to vote as a class upon such amendment, whether by the terms of the articles of incorporation such class be

entitled to vote or not, and, in addition to the vote required by subsection (2) of this section, the vote of the holders of two-thirds of the shares of each class so affected by the amendment shall be necessary to the adoption thereof.

"(4) The incorporators by signing and acknowledging articles of employment as provided in KRS 271.450 may adopt an amendment to the articles of incorporation prior to the receiving of any subscriptions for shares, except those subscriptions required to be stated in the articles of incorporation."

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Henry J. Giles	Bart N. Peak
J. Everett Bach	George F. Harris	Louis T. Peniston
Sidney Baer	Farmer Helton	Hobart Rayburn
John Rhea Banton	William K. Henry	Tipton Reed
Clarence J. Barnum	Thomas D. Hewlett	Joe Rouse
Owen Billington	Henry R. Heyburn	Carl J. Ruh
Ed T. Breathitt	E. R. Hilton	Amos Runyon
Edw. O. Bridgers	Ray Holbrook	Cecil Sanders
Thomas L. Britton	Chester J. Holsclaw	Clem Schroader

Walter J. Chyle, Jr.	William M. Horn	Dr. B. F. Shields
Marvin A. Cornett	Paul S. Jonas	John A. Sloan
R. Josh Cosby	William L. Jones	E. A. Spencer
Charles M. Crowe	Jennings Kearby	Mrs. Thelma Stovall
J. C. Denney, Jr.	Paul M. Lewis	E. H. (Ted) Stumbo
C. E. Dowell	Harry K. Lowman	Egbert V. Taylor
James A. Dressman, Jr.	William Maglinger	J. B. Veech
Thomas R. Duncan	Shelby McCallum	Eulick (Mike) Walsh
R. L. Dunigan	Russell L. Meadows	Wm. Thos. Wathen
Jack Early	Tom Mobley	Morris Weintraub
Harold Edwards	Robert H. Moore	Hicks Wells
William Engle	Walter R. Moorman	William B. Wells
Roscoe Estep	Fred H. Morgan	W.A.(Pete)Wickliffe
Herbert Fern	Thomas J. Murphy	Walker H. Wiseman
Wm. P. Friedlander		—70

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be returned to the Senate.

The House took up for consideration from the Clerk's Desk a bill of the following title, viz:

H. B. No. 165. AN ACT relating to the fees of jailers; amending KRS 64.150.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 64.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Jailers shall be paid out of the county treasury, except as provided in subsection (2) of this section the following fees for the following services:

Attending county and quarterly courts,
per day not exceeding----------$2.00

Furnishing fuel and lights to county and quarterly courts, except as provided in KRS 67.150, a reasonable compensation, not exceeding, per day 2.00

Putting a prisoner in irons, for an offense other than a felony or contempt, besides the cost of irons ..... .50

Keeping and dieting prisoners in jail, when confined for an offense other than a felony or contempt of court, per day 1.75

Imprisoning and releasing a prisoner charged with a misdemeanor ..... .60

(2) Where the prisoner is confined for a breach of the by-laws or ordinances of a city, or for violation of a statute where the city gets the benefit of the fine, the fees for keeping and dieting the prisoner and for imprisoning and releasing him shall be paid by such city.

(3) Jailers shall be paid out of the State Treasury the following fees for the following services:

Imprisoning and releasing a prisoner charged with a felony or contempt ..... .60

Keeping and dieting a prisoner charged with a felony or contempt, per day 1.75

Putting a prisoner charged with a felony or contempt in irons, to secure his safekeeping in the jail, besides the cost of the irons ..... .50

Each day's attendance upon the circuit court 2.00

Furnish fuel, light and water to the circuit court, not exceeding, per day 2.00

(4) For all other services performed by the jailer, he shall receive the same fees paid to sheriffs for like services.

Sec. 2. This Act shall take effect on the first Monday in January, 1954.

Mr. Moore moved the adoption of the Committee Substitute to H. B. 165, said substitute is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 64.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Jailers shall be paid out of the county treasury, except as provided in subsection (2) of this section, the following fees for the following services:

Attending county and quarterly courts, per day not exceeding	$2.00
Furnishing fuel and lights to county and quarterly courts, except as provided in KRS 67.150, a reasonable compensation, not exceeding, per day	2.00
Putting a prisoner in irons, for an offense other than a felony or contempt, besides the cost of irons	.50
Keeping and dieting prisoners in jail, when confined for an offense other than a felony or contempt of court, per day	1.75
Keeping and dieting prisoners in jail, in counties containing a first-class city, when confined for an offense other than a felony or contempt of court per day	1.75
Imprisoning and releasing a prisoner charged with a misdemeanor	.60

(2) Where the prisoner is confined for a breach of the by-laws or ordinances of a city, or for violation of a statute where the city gets the benefit of the fine, the fees for keeping and dieting the prisoner and for imprisoning and releasing him shall be paid by such city.

(3) Jailers shall be paid out of the State Treasury the following fees for the following services:

Imprisoning and releasing a prisoner charged with a felony or contempt ---------- .60

Keeping and dieting a prisoner charged with a felony or contempt, per day ---------- 1.75

Putting a prisoner charged with a felony or contempt in irons, to secure his safekeeping in the jail, besides the cost of the irons ---------- .50

Each day's attendance up on the circuit court ---- 2.00

Furnish fuel, light and water to the circuit court, not exceeding, per day ---------- 2.00

(4) For all other services performed by the jailer, he shall receive the same fees paid to sheriffs for like services.

Section 2. This Act shall take effect on the first Monday in January, 1954.

Said motion was agreed to.

Said substitute was adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Dr. John Adkins, Jr.	Henry J. Giles	Louis T. Peniston
J. Everett Bach	George F. Harris	Hobart Rayburn
Sidney Baer	John Head	Tipton Reed
John Rhea Banton	Farmer Helton	Earl Rogers
Clarence J. Barnum	William K. Henry	Joe Rouse
Owen Billington	Thomas D. Hewlett	Carl J. Ruh
William W. Blanton	Henry R. Heyburn	Amos Runyon
J. C. Bradley	E. R. Hilton	Cecil Sanders
Ed T. Breathitt	Ray Holbrook	Clem Schroader
Edw. O. Bridgers	Chester J. Holsclaw	Dr. B. F. Shields
Thomas L. Britton	Paul S. Jonas	John A. Sloan
Walter J. Chyle, Jr.	William L. Jones	E. A. Spencer
Marvin A. Cornett	Jennings Kearby	Mrs. Thelma Stovall
R. Josh Cosby	James W. Lambert	E. H. (Ted) Stumbo
J. C. Denney, Jr.	Jesse H. Lawrence	Egbert V. Taylor
C. E. Dowell	Paul M. Lewis	William F. Threlkeld
James A. Dressman, Jr.	Harry K. Lowman	J. B. Veech
Thomas R. Duncan	William Maglinger	Eulick (Mike) Walsh
R. L. Dunigan	Shelby McCallum	Wm. Thos. Wathen
Jack Early	Russell L. Meadows	L. M. Weathers
Harold Edwards	Tom Mobley	Morris Weintraub
William Engle	Robert H. Moore	Hicks Wells
Roscoe Estep	Walter R. Moorman	William B. Wells
Herbert Fern	Fred H. Morgan	W.A. (Pete) Wickliffe
Wm. P. Friedlander	Thomas J. Murphy	Charles W. Wirsch
Leslie Gay	Bart N. Peak	Walker H. Wiseman

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 265. AN ACT to facilitate vehicular traffic in the Commonwealth of Kentucky by providing for the construction, maintenance, repair and operation of bridges; providing

for the creation of bridge commissions in cities of the first class and conferring powers and imposing duties upon said commissions; providing for financing the construction of such bridges by the issuance of revenue bonds of said cities, payable solely from tolls and other revenues; providing that no debt of said cities shall be incurred in the exercise of any such powers; providing for the reversion of certain existing bridges; providing for the collection of tolls and other revenues from all such bridges to pay such bonds and the interest thereon and the cost of maintenance, repair and operation; providing for the issuance of revenue refunding bonds; exempting from taxes all such bridges and bonds; and repealing KRS 181.010 (3) and 181.300 to 181.500, inclusive, relating to bridge commissions in cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. **Bridge commissions in first-class cities.** Any city of the first class may, by ordinance, create a bridge commission consisting of the mayor and four persons appointed by the mayor with the approval of the board of aldermen. Each appointee shall be at least twenty-five years of age. The original appointees shall serve for terms expiring on January 1, in the fourth year following their appointments, and until their respective designated successors shall be duly appointed and qualified. Their successors shall be appointed for one, two, three and four years, respectively. Thereafter the appointments shall be for four-year terms. A member of the bridge commission shall be eligible for reappointment. Not more than two appointees shall be members of the same political party. Vacancies shall be filled for unexpired terms in the same manner as the original appointments. Each appointed member of the bridge commission before entering upon his duties shall take an oath to administer the duties of his office faithfully and impartially, and a record of each oath shall be filed in the office of the director of finance of the city. No officer or employee of the city, whether he receives compensation or not, shall be appointed to the bridge commission.

The bridge commission shall constitute a public instrumentality under the name of (insert name of city) Bridge Commission and the exercise of the powers conferred by this Act shall be deemed and held to be the performance of essential municipal functions. The commission shall elect a chairman and a vice chairman from its appointed members, and a secretary-treasurer who need not be a member of the commission. The chairman, vice chairman and secretary-treasurer shall serve as such officers at the pleasure of the commission. Three members of the commission shall constitute a quorum and the affirmative vote of three members shall be necessary for any action taken by the commission. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission.

The members of the commission except the mayor shall receive such compensation as may be fixed in the ordinance creating the commission but the maximum compensation of the chairman in any year shall not exceed $2500 and of each other member shall not exceed $500. The commission shall fix or change the compensation of the secretary-treasurer in its discretion.

Section 2. **Definitions.** As used in this Act, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(a) The word "city" shall mean any city of the first class for which a bridge commission shall be appointed under the provisions of Section 1 of this Act.

(b) The word "commission" shall mean any bridge commission created under the provisions of Section 1 of this Act, or, if any such commission shall be abolished, the board, body or commission succeeding to the principal functions thereof or to whom the powers given by this Act to the commission shall be given by law.

(c) The word "bridge" shall include the substructure and superstructure, overpasses, underpasses, entrance plazas, toll houses, administration, storage and other buildings and facilities, all equipment therefor, and such approaches and ap-

proach highways as may be determined by the commission to be necessary to facilitate the flow of traffic or to connect such bridge with the highway systems or other traffic facilities in the vicinity of such bridge, together with all property, rights, easements and interests which may be acquired by the commission for the construction or operation of such bridge.

(d) The word "cost" as applied to a bridge shall embrace the cost of construction, the cost of the acquisition of all land, rights of way, property, rights, easements and interests acquired by the commission for such construction, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to and during construction and, if deemed advisable by the commission, for a period not exceeding one year after completion of construction, cost of traffic estimates and of engineering, financial and legal services, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining feasibility or practicability of constructing any such bridge, administrative expenses, and such other expenses as may be necessary or incident to the construction of the bridge, the financing of such construction and the placing of the bridge in operation. Any obligation or expense incurred by the city in connection with any of the foregoing items of cost may be regarded as a part of such cost and reimbursed to the city out of the proceeds of revenue bonds issued under the provisions of this Act.

Section 3. **General grant of powers.** The commission is hereby authorized and empowered:

(a) to adopt by-laws for the regulation of its affairs and the conduct of its business;

(b) to adopt an official seal and alter the same at pleasure;

(c) to maintain an office at such place or places within the city as it may designate;

(d) to sue and be sued in its own name, plead and be impleaded;

(e) to construct, improve, maintain, repair and operate bridges within or partly within and partly without the corporate limits of the city, including interstate bridges, at such locations as may be determined by it;

(f) to issue bridge revenue and bridge revenue refunding bonds of the city as hereinafter provided, such bonds being payable solely from the tolls and revenues pledged for their payment;

(g) to combine for financing purposes any two or more bridge hereafter constructed or operated by it;

(h) to fix and revise from time to time and charge and collect tolls for transit over each bridge constructed or operated by it;

(i) to establish rules and regulations for the use of any such bridge;

(j) to acquire, hold and dispose of real and personal property, in the name of the city, in the exercise of its powers and the performance of its duties under this Act;

(k) to enter upon any lands and structures and upon lands under water, to make surveys, borings, soundings or examinations as it may deem necessary or convenient for the purposes of this Act, and such entry shall not be deemed a trespass, nor shall an entry for such purposes be deemed an entry under any condemnation proceedings which may be then pending; provided, however, the commission shall make reimbursement for any actual damage resulting to such lands, structures and lands under water as a result of such activities;

(l) to enter upon, use, occupy and dig up any street, alley, road, highway or other public places necessary to be entered upon, used or occupied in connection with the construction, improvement, maintenance, repair or operation of any bridge;

(m) to make and enter into contracts and agreements for the construction of any bridge, with or without public letting, as it may determine will best effect the purposes of this Act;

(n) to make and enter into contracts and agreements with the Commonwealth or with other states or with political sub-

divisions or agencies of any thereof with reference to any matter within the jurisdiction of such contracting party and to make and enter into all other contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this Act;

(o) to employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation;

(p) to receive and accept from any federal agency grants for or in aid of the construction of any bridge, and to receive and accept aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made; and

(q) to do all acts and things necessary or convenient to carry out the powers expressly granted in this Act; provided, however, the commission shall not exercise any power given it to bind the commission beyond the extent to which moneys shall have been provided under the provisions of this Act.

Section 4. **Acquisition of property.** The commission is hereby authorized and empowered to acquire by purchase, whenever it shall deem such purchase expedient, solely from funds provided under the authority of this Act, such lands, structures, property, rights, rights of way, franchises, easements and other interests in lands, including lands lying under water and riparian rights, as it may deem necessary or convenient for the construction or operation of any bridge, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner therof, and to take title thereto in the name of the city for the use and benefit of the commission.

Whenever a reasonable price can not be agreed upon, or whenever the owner is legally incapacitated or is absent, unknown or unable to convey valid title, the commission is hereby authorized and empowered to acquire by condemnation or by the exercise of the power of eminent domain any lands, property,

rights, rights of way, franchises, easements and other property, including public lands, parks, playgrounds, reservations, highways or parkways, or parts thereof or rights therein, of any person, co-partnership, association, railroad, public service, public utility or other corporation, or municipality or political subdivision deemed necessary or convenient for the construction or the efficient operation of any bridge or necessary in the restoration of public or private property damaged or destroyed. Any such proceedings shall be conducted in the name of the commission, and the compensation to be paid shall be ascertained and paid, in the manner provided by the Constitution and laws of the Commonwealth then applicable which relate to condemnation or to the exercise of the power of eminent domain by cities of the first class. Title to any property acquired by the commission shall be taken in the name of the city for the use and benefit of the commission. In any condemnation proceedings the court having jurisdiction of the suit, action or proceeding may make such orders as may be just to the commission and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the commission to accept and pay for the property, but neither such undertaking or security nor any act or obligation of the commission shall impose any liability upon the city or commission except as may be paid from the funds provided under the authority of this Act.

If the owner, lessee or occupier of any property to be condemned shall refuse to remove his personal property therefrom or give up possession thereof, the commission may proceed to obtain possession in any manner now or hereafter provided by law.

With respect to any railroad property or right of way upon which railroad tracks are located, any powers of condemnation or of eminent domain may be exercised to acquire only an easement interest therein which shall be located either sufficiently far above or sufficiently far below the grade of any railroad track or tracks upon such railroad property so that neither the proposed bridge nor any part thereof, including abutments, columns, supporting structures and appurtenances, nor any

traffic upon it shall interfere in any manner with the use, operation or maintenance of the trains, tracks, works or appurtenances or other property of the railroad nor endanger the movement of the trains or traffic upon the tracks of the railroad. Prior to the institution of condemnation proceedings for such easement over or under such railroad property or right of way, plans and specifications of the proposed bridge showing compliance with the abovementioned above or below grade requirements and showing sufficient and safe plans and specifications of such overhead or undergrade structure and appurtenances shall be submitted to the railroad for examination and approval. If the railroad fails or refuses within thirty days to approve the plans and specifications so submitted, the matter shall be submitted to the Department of Works of the city whose decision, arrived at after due consideration and with an opportunity to the railroad to be heard, shall be final as to the sufficiency and safety of such plans and specifications and as to such elevations or distances above or below the tracks. Said overhead or undergrade structure and appurtenances shall be constructed only in accordance with such plans and specifications and in accordance with such elevations or distances above or below the tracks so approved by the railroad or the Department of Works of said city as the case may be. A copy of the plans and specifications approved by the railroad or the Department of Works of said city shall be filed as an exhibit with the petition for condemnation.

The Commonwealth hereby consents to the use of all lands owned by it, including lands lying under water, which are deemed by the commission to be necessary for the construction or operation of any bridge.

Section 5. **Bridge revenue bonds.** The commission is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of bridge revenue bonds of the city for the purpose of paying all or any part of the cost of any one or more bridges. The principal of and the interest on such bonds shall be payable solely from the funds herein provided for such payment. The bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding five per centum per annum, shall mature at such time or times

not exceeding forty years from their date or dates, as may be determined by the commission, and may be made redeemable before maturity, at the option of the commission, at such price or prices and under such terms and condition as may be fixed by the commission prior to the issuance of the bonds. The commission shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the Commonwealth. The bonds shall be signed by the chairman of the commission or shall bear his facsimile signature, and the seal of the commission or a facsimile thereof shall be affixed thereto and attested by the secretary-treasurer of the commission, and any coupons attached thereto shall bear the facsimile signature of said chairman. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this Act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the Commonwealth. The bonds may be issued in coupon or in registered form, or both, as the commission may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The commission may sell such bonds in such manner and for such price as it may determine will best effect the purposes of this Act.

The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the bridge or bridges for which such bonds shall have been issued, and shall be disbursed in such manner and under such restrictions, if any, as the commission may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. If the proceeds of the bonds of any issue,

by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue shall exceed such cost, the surplus shall be deposited to the credit of the sinking fund for such bonds.

Prior to the preparation of definitive bonds, the commission may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The commission may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Bonds may be issued under the provisions of this Act without obtaining the consent of any department, division, commission, board, bureau or agency of the Commonwealth or of the city, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this Act.

Section 6. **Trust agreement.** In the discretion of the commission any bonds issued under the provisions of this Act may be secured by a trust agreement by and between the commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the Commonwealth. Such trust agreement or the resolution providing for the issuance of such bonds may pledge or assign the tolls and other revenues to be received, but shall not convey or mortgage any bridge or any part thereof. Such trust agreement or resolution may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the commission in relation to the acquisition of property and the construction, improvement, maintenance, repair, operation and insurance of the bridge or bridges for the use of which tolls shall

be charged under the provisions of this Act, the rates of toll to be charged, and the custody, safeguarding and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of the Commonwealth which may act as depositary of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the commission. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the commission may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as a part of the cost of the operation of the bridge or bridges.

Section 7. **Revenues.** The commission is hereby authorized to fix, revise, charge and collect tolls for the use of each bridge under its control, including any bridge which shall have reverted to the city under the provisions of Section 15 of this Act. Such tolls shall be so fixed and adjusted with respect to the aggregate of tolls from such bridge or bridges as to provide a fund sufficient with other revenues, if any, to pay (a) the cost of maintaining, repairing and operating such bridge or bridges and any other expenses payable from such tolls and (b) the principal of and the interest on the bonds which are payable from such tolls as the same shall become due and payable, and to create reserves for such purposes. Such tolls shall not be subject to supervision or regulation by any other department, division, commission, board, bureau or agency of the city or of the Commonwealth. The tolls and all other revenues derived from such bridge or bridges, except such part thereof as may be necessary to pay such cost of maintenance, repair and operation and such other expenses and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in such resolution or such trust agreement in a sinking fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such bonds as the same shall become

due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the tolls or other revenues or other moneys so pledged and thereafter received by the commission shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the city or the commission, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the commission. The use and disposition of moneys to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Except as may otherwise be provided in such resolution or such trust agreement, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another.

Section 8. **Trust funds.** All moneys received pursuant to the authority of this Act, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this Act. The resolution authorizing the bonds of any issue or the trust agreement securing such bonds shall provide that any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this Act and such resolution or trust agreement may provide.

Section 9. **Remedies.** Any holder of bonds issued under the provisions of this Act or any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent the rights herein given may be restricted by such trust agrement, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the Commonwealth or granted hereunder or under such trust agreement or the resolution authorizing the issuance of such bonds, and may enforce and compel

the performance of all duties required by this Act or by such trust agreement or resolution to be performed by the commission or by any officer or employee thereof, including the fixing, charging and collecting of tolls.

Section 10. **Exemption from taxation.** The exercise of the powers granted by this Act will be in all respects for the benefit of the people of the Commonwealth, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of bridges by the commission will constitute the performance of essential governmental functions, the commission shall not be required to pay any taxes or assessments upon any bridge or any property acquired or used by the commission under the provisions of this Act or upon the income therefrom, and the bonds issued under the provisions of this Act, their transfer and the income therefrom (including any profit made on the sale thereof) shall at all times be free from taxation within the Commonwealth.

Section 11. **Bonds eligible for investment.** Bonds issued by the commission under the provisions of this Act are hereby made securities in which all public officers and public bodies of the Commonwealth and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or other obligations of the Commonwealth is now or may hereafter be authorized by law.

Section 12. **Miscellaneous.** Each bridge constructed or operated under the provisions of this Act shall be maintained and kept in good condition and repair by the commission.

All private property damaged or destroyed in carrying out the powers granted by this Act shall be restored or repaired

and placed in its original condition as nearly as practicable or adequate compensation shall be made therefor out of funds provided under the authority of this Act.

All counties, cities, towns and other political subdivisions and all public agencies and commissions of the Commonwealth, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to the commission at its request upon such terms and conditions as the proper authorities of such counties, cities, towns, political subdivisions, agencies or commissions of the Commonwealth may deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality, other than the regular and formal action of the authorities concerned, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the commission, including public roads and other real property already devoted to public use.

Within ninety days after the expiration of each fiscal year the commission shall make an annual report of its activities for the preceding fiscal year to the city. Each such report shall set forth a complete operating and financial statement covering its operation during such fiscal year. The commission shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants and the cost thereof may be treated as a part of the cost of operation of the bridge or bridges.

No officer or employee of the commission shall have any interest direct or indirect in the sale or purchase of any bonds authorized by this Act. Violation of this provision shall be punishable by fine of not more than $1,000 or by imprisonment for not more than one year, or both.

Section 13. **Bridge revenue refunding bonds.** The commission is hereby authorized to provide for the issuance of bridge revenue refunding bonds of the city for the purpose of refunding any bonds then outstanding which shall have been issued under the provisions of this Act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if

the commission shall so determine, for the additional purpose of constructing improvements, extensions, or enlargements of the bridge or bridges in connection with which the bonds to be refunded shall have been issued. The commission is further authorized to provide for the isuance of its bridge revenue bonds for the combined purpose of (a) refunding any bonds then outstanding which shall have been issued under the provisions of this Act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and (b) paying all or any part of the cost of any additional bridge or bridges. The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties and obligations of the commission in respect of the same, shall be governed by the provisions of this Act in so far as the same may be applicable.

Section 14. **Credit of city not pledged.** Revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt of the city or a pledge of the faith and credit of the city, but such bonds shall be payable solely from the funds herein provided therefor from revenues. All such revenue bonds shall contain on the face thereof a statement to the effect that neither the city nor the commission shall be obligated to pay the same or the interest thereon except from the bridge revenues which are pledged for that purpose and that neither the faith and credit nor the taxing power of the city is pledged to the payment of the principal of or the interest on such bonds.

All expenses incurred in carrying out the provisions of this Act shall be payable solely from funds provided under the authority of this Act and no liability or obligation shall be incurred by the commission hereunder beyond the extent to which moneys shall have been provided under the provisions of this Act.

Section 15. **Reversion of existing bridges.** In case the city shall have theretofore financed the construction of a bridge by the issuance of revenue bonds payable from tolls and all the right, title and interest in and to such bridge, including lands and appurtenances, shall have vested in the Commonwealth for the use and benefit of the Department of Highways, all the right, title and interest in and to such bridge, including lands and appurten-

ances, shall revert to the city for the use and benefit of the commission upon the happening of the following conditions:

(a) the creation of a bridge commission by the city under the provisions of this Act, and

(b) the adoption of a resolution by the commission expressing the intention of the commission to finance the construction of an additional bridge or bridges under the provisions of this Act.

Certified copies of the ordinance creating the commission and of such resolution shall be filed with the Department of Highways. Thereupon the commission shall assume the operation, maintenance and repair of such bridge and may charge such tolls for the use of such bridge as it may deem necessary to provide funds for the operation, maintenance and repair of such bridge, and to pay any part of the cost of such additional bridge or bridges, including but not limited to the cost of construction, the principal of and the interest on the bonds issued to pay all or a part of such cost, the cost of traffic studies and estimates, of engineering, financial and legal expenses, of plans and specifications and other expenses of the commission. Such bridge may be combined for financing purposes with any additional bridge or bridges constructed by the commission under the provisions of this Act.

Section 16. **Additional method.** The foregoing sections of this Act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing; provided, however, that the issuance of bridge revenue bonds or bridge revenue refunding bonds under the provisions of this Act need not comply with the requirements of any other law applicable to the issuance of bonds.

Section 17. **Act liberally construed.** This Act, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purposes thereof.

Section 18. **Constitutional construction.** The provisions of this Act are severable, and if any of its provisions shall be held

unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Section 19. **Repeal.** The provisions of KRS 181.010 (3) and 181.300 to 181.500, inclusive, are hereby repealed. All other laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Dr. John Adkins, Jr.	Henry J. Giles	Tipton Reed
J. Everett Bach	George F. Harris	Earl Rogers
Sidney Baer	John Head	Joe Rouse
John Rhea Banton	Farmer Helton	Carl J. Ruh
Clarence J. Barnum	Thomas D. Hewlett	Amos Runyon
Owen Billington	E. R. Hilton	Cecil Sanders
William W. Blanton	Ray Holbrook	Clem Schroader
Ed T. Breathitt	Chester J. Holsclaw	Dr. B. F. Shields
Edw. O. Bridgers	William M. Horn	John A. Sloan
Alex H. Calvert	Paul S. Jonas	E. A. Spencer
Walter J. Chyle, Jr.	Jennings Kearby	Mrs. Thelma Stovall
Lewis W. Combest	James W. Lambert	E. H. (Ted) Stumbo

Marvin A. Cornett	Jesse H. Lawrence	Egbert V. Taylor
R. Josh Cosby	Paul M. Lewis	Albert Thomason
Charles M. Crowe	Harry K. Lowman	William F. Threlkeld
C. E. Dowell	William Maglinger	Eulick (Mike) Walsh
James A. Dressman, Jr.	Tom Mobley	Wm. Thos. Wathen
Thomas R. Duncan	Walter R. Moorman	L. M. Weathers
Jack Early	Fred H. Morgan	Morris Weintraub
Harold Edwards	Earl F. Murphy	Hicks Wells
William Engle	Thomas J. Murphy	William B. Wells
Roscoe Estep	Bart N. Peak	W. A. (Pete) Wickliffe
Herbert Fern	Louis T. Peniston	Charles W. Wirsch
Wm. P. Friedlander	Hobart Rayburn	Walker H. Wiseman

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 215. AN ACT relating to the Statute of Frauds.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 371.010 of the Kentucky Revised Statutes is amended to read as follows:

No action shall be brought to charge any person:

(1) For any representation or assurance concerning the character, conduct, credit, ability, trade or dealings of another, made with intent that such other may obtain thereby credit, money or goods:

(2) Upon any promise to pay a debt contracted during infancy, or any ratification of a contract or promise made during infancy;

(3) Upon any promise of a personal representative as such to answer any liability of his decedent out of his own estate;

(4) Upon any promise to answer for the debt, default or misdoing of another;

(5) Upon any agreement made in consideration of marriage, except mutual promises to marry;

(6) Upon any contract for the sale of real estate, or any lease thereof for longer than one year: Provided, however, that where there has been a delivery and assumption of actual possession of the real estate in reliance upon a parol agreement sufficient to constitute substantial performance, the terms of this statute not be applicable.

(7) Upon any agreement that is not to be performed within one year from the making thereof; or

(8) Upon any promise, agreement, or contract for any commission or compensation for the sale or lease of any real estate or for assisting another in the sale of lease of any real estate; unless the promise, contract, agreement, representation, assurance or ratification, or some memorandum or note thereof, be in writing and signed by the party to be charged therewith, or by his authorized agent. The consideration need not be expressed in the writing, but it may be proved when necessary or disapproved by parol or other evidence.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

J. Everett Bach	George F. Harris	Fred H. Morgan
Sidney Baer	John Head	Earl F. Murphy
Clarence J. Barnum	Henry R. Heyburn	Thomas J. Murphy
William W. Blanton	E. R. Hilton	Bart N. Peak
R. O. Blevins	Ray Holbrook	Tipton Reed
Ed T. Breathitt	Chester J. Holsclaw	Carl J. Ruh
Edw. O. Bridgers	William M. Horn	Cecil Sanders
Thomas L. Britton	Paul S. Jonas	Dr. B. F. Shields
Walter J. Chyle, Jr.	Jennings Kearby	Mrs. Thelma Stovall
Lewis W. Combest	James W. Lambert	E. H. (Ted) Stumbo
R. Josh Cosby	Jesse H. Lawrence	Eulick (Mike) Walsh
C. E. Dowell	Paul M. Lewis	Wm. Thos. Wathen
James A. Dressman, Jr.	Harry K. Lowman	L. M. Weathers
Thomas R. Duncan	William Maglinger	Hicks Wells
Harold Edwards	Shelby McCallum	William B. Wells
William Engle	Russell L. Meadows	W. A. (Pete) Wickliffe
Herbert Fern	Tom Mobley	Charles W. Wirsch
Wm. P. Friedlander	Robert H. Moore	Walker H. Wiseman
Henry J. Giles	Walter R. Moorman	—56

Those who voted in the negative were—

Bill Adams	R. L. Dunigan	Earl Rogers
Dr. John Adkins, Jr.	Jack Early	Joe Rouse
J. C. Bradley	Leslie Gay	Amos Runyon
Marvin A. Cornett	Thomas D. Hewlett	William F. Threlkeld
Charles M. Crowe	Louis T. Peniston	—14

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that H. B. No. 94 be taken from the Orders of the Day, and placed upon its passage, said bill by its title is as follows, viz:

H. B. No. 94. AN ACT relating to the qualifications and licensing of dentists.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. An applicant for a license to practice dentistry shall be of good moral character, at least twenty-one years of age at the time of making the application and shall have been a resident of the Commonwealth of Kentucky on January 1, 1952, and for ten years immediately preceding that date. The application shall be accompanied by evidence satisfactory to the board that the applicant is a graduate of, and has a diploma from a reputable university, rated as acceptable by the board. The board shall rate dental colleges, schools or departments of a university, or accept the ratings issued by accredited bodies approved by it. The application shall be made to the board in writing. It shall be accompanied by an examination fee of forty dollars, payable to the secretary-treasurer. Except that any person who has successfully completed at least two years of the required course of study in a dental college, and who has practiced dentistry for a period of more than forty years, upon application to the State Board of Dental Examiners, and the payment to the board of a fee of forty dollars, shall be entitled to a license to practice dentistry in this Commonwealth, and the Board shall issue to such applicant a license on the standard form used and approved by the Board, signed by its President and Secretary and authenticated by the seal of the Board, which license shall be registered with the County Clerk of each County in which he desires to practice, as is provided for in KRS 313.110.

Sec. 2. No person shall file, or attempts to file as his own the diploma or license of another, or a forged affidavit of identification or qualification.

Sec. 3. Section 313.040 of the Kentucky Revised Statutes is hereby repealed.

Mr. Harris moved the Previous Question.

Mr. Harris moved that H. B. No. 94 be recommitted to the Committee on Ways and Means.

Said motion was agreed to.

Mr. Lowman moved that the House do now recess until 2:30 o'clock p.m.

Said motion was agreed to.

And then the House recessed.

The hour of 2:30 o'clock having arrived, the Speaker resumed the Chair and called the House to order.

Mr. Friedlander moved that Corolyn Krause and Harris J. Berman, be made Honorary Pages of the General Assembly for the 1952 Session.

Said motion was agreed to.

Mr. Ruh moved that Robert N. Combs of Ludlow, Kentucky be made an Honorary Page of the General Assembly for the 1952 Session.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 282. AN ACT authorizing payment of traveling expenses of certain public officers and employees of counties containing cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That, in any county containing a city of the first class, the members of the Fiscal Court and any of its employees, the County Judge and County Attorney and his assistants, when duly authorized by a majority vote of the Fiscal Court of such

county, may attend conferences, meetings, legislative or judicial hearings upon matters pertaining to county government or to the county's business, and the expenses of such attendance shall be borne and paid out of the county levy in the manner provided by such authorization.

Before any such expenses are so paid by the Fiscal Court, the attendant at any such meeting, conference or hearing shall, within 10 days after his return therefrom file with the Fiscal Court an itemized statement of all expenses incurred by him, and such statement shall be a public record and spread at large upon the minute book of such court.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Charles M. Greene	Ewin C. Neville
Henry Arrowood	Henry C. Hale	Bart N. Peak
J. Everett Bach	Eugene B. Hancock	Louis T. Peniston
Sidney Baer	George F. Harris	Hobart Rayburn
John Rhea Banton	John Head	Tipton Reed
Clarence J. Barnum	Farmer Helton	J. F. Robinson
Owen Billington	William K. Henry	Earl Rogers

William W. Blanton	Thomas D. Hewlett	Joe Rouse
R. O. Blevins	Henry R. Heyburn	Carl J. Ruh
J. C. Bradley	E. R. Hilton	Amos Runyon
Ed T. Breathitt	Chester J. Holsclaw	Cecil Sanders
Edw. O. Bridgers	William M. Horn	Clem Schroader
Thomas L. Britton	Paul S. Jonas	Gus F. Sheehan, Jr.
Alex H. Calvert	William L. Jones	Dr. B. F. Shields
Walter J. Chyle, Jr.	Jennings Kearby	John A. Sloan
Lewis W. Combest	James W. Lambert	E. A. Spencer
R. Josh Cosby	Jesse H. Lawrence	Mrs. Thelma Stovall
Charles M. Crowe	Paul M. Lewis	E. H. (Ted) Stumbo
J. C. Denney, Jr.	Harry K. Lowman	Albert Thomason
C. E. Dowell	G. Lee McClain	William F. Threlkeld
James A. Dressman, Jr.	Russell L. Meadows	J. B. Veech
Thomas R. Duncan	Tom Mobley	Eulick (Mike) Walsh
R. L. Dunigan	Robert H. Moore	Wm. Thos. Wathen
Jack Early	Walter R. Moorman	Hicks Wells
Harold Edwards	Fred H. Morgan	William P. Wells
William Engle	Earl F. Murphy	W.A. (Pete) Wickliffe
Herbert Fern	Thomas J. Murphy	Walker H. Wiseman
Wm. P. Friedlander		—82

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 262. AN ACT concerning the placing of fire hydrants in the public ways in cities of the first class: the letting of contracts therefor and the apportionment of costs thereon.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. Section 93.380 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The legislative body of any city of the first class may, by ordinance, on recommendation of the director of works, cause the installation of fire hydrants in the public ways.

(2) In the ordinance providing such installation of fire hydrants the city legislative body may authorize the city to do the work with its own forces and equipment or by subcontract with another public corporation or governmental agency, as well as by contract with private individuals or corporations in accordance with Section 93.080 of the Kentucky Revised Statutes. In such case the city shall prepare, prior to the opening of bids, an estimate of costs for the work, which estimate shall be read publicly at the time of opening the bids for the work, and which estimate must be itemized in the same classification as the bids. If the city's estimate is lower than any of the valid bids received, the city may then do the work with its own forces and equipment or by subcontract as provided above and the costs as stated in the city's estimate shall not be exceeded in apportioning the cost thereof among the benefited property owners.

(3) The cost shall be apportioned by the director of works exclusively against the owners of lots fronting the public ways to the middle of each square, from the intersection at or near which the work is located, according to the number of square feet in the lots, or in any other equitable mode of apportionment which the city legislative body may prescribe by ordinance.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Henry Arrowood	Wm. P. Friedlander	Thomas J. Murphy
J. Everett Bach	Charles M. Greene	Ewin C. Neville
Sidney Baer	Henry C. Hale	Bart N. Peak
John Rhea Banton	Eugene B. Hancock	Louis T. Peniston
Clarence J. Barnum	George F. Harris	Earl Rogers
Owen Billington	John Head	Joe Rouse
William W. Blanton	William K. Henry	Carl J. Ruh
J. C. Bradley	Thomas D. Hewlett	Amos Runyon
Ed T. Breathitt	E. R. Hilton	Cecil Sanders
Edw. O. Bridgers	Chester J. Holsclaw	Clem Schroader
Thomas L. Britton	Paul S. Jonas	Gus F. Sheehan, Jr.
Alex H. Calvert	William L. Jones	Mrs. Thelma Stovall
Walter J. Chyle, Jr.	Jennings Kearby	E. H. (Ted) Stumbo
Marvin A. Cornett	Jesse H. Lawrence	William F. Threlkeld
R. Josh Cosby	Paul M. Lewis	J. B. Veech
Charles M. Crowe	Harry K. Lowman	Eulick (Mike) Walsh
J. C. Denney, Jr.	Shelby McCallum	Wm. Thos. Wathen
C. E. Dowell	G. Lee McClain	Hicks Wells
James A. Dressman, Jr.	Tom Mobley	William B. Wells
Thomas R. Duncan	Robert H. Moore	W. A. (Pete) Wickliffe
Jack Early	Walter R. Moorman	Walker H. Wiseman
William Engle	Fred H. Morgan	Garrett L. Withers
Roscoe Estep	Earl F. Murphy	—69
Herbert Fern		

Those who voted in the negative were—

Dr. John Adkins, Jr. Henry R. Heyburn William M. Horn —3

Resolved that the title thereof be as aforesaid.

Mr. Morgan moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 21. AN ACT relating to the time for holding sessions of Circuit Court in the 37th Judicial District.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsection (3) of section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

* * * * *

Thirty-seventh District. Elliott County, at Sandy Hook, on the first Monday in February, the first Monday in May and the first Monday in October, twelve juridical days each.

Morgan County, at West Liberty, on the third Monday in February, the third Monday in May and the third Monday in October, twelve judicial days each.

Carter County, at Grayson, on the first Monday in March, the first Monday in June and the second Monday in November, twenty-four juridical days each.

Section 2. This Act shall take effect on September 1, 1952.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

J. Everett Bach	Eugene B. Hancock	Hobart Rayburn
Sidney Baer	John Head	J. F. Robinson
John Rhea Banton	Farmer Helton	Earl Rogers
Clarence J. Barnum	William K. Henry	Joe Rouse
Owen Billington	Thomas D. Hewlett	Carl J. Ruh
William W. Blanton	E. R. Hilton	Amos Runyon
J. C. Bradley	Chester J. Holsclaw	Cecil Sanders
Edw. O. Bridgers	William M. Horn	Clem Schroader
Thomas L. Britton	Paul S. Jonas	Gus F. Sheehan, Jr.
Alex H. Calvert	William L. Jones	Dr. B. F. Shields
Walter J. Chyle, Jr.	Jennings Kearby	John A. Sloan
Lewis W. Combest	Jesse H. Lawrence	E. A. Spencer
Marvin A. Cornett	Paul M. Lewis	Mrs. Thelma Stovall
R. Josh Cosby	Harry K. Lowman	E. H. (Ted) Stumbo
J. C. Denney, Jr.	Tom Mobley	Albert Thomason
C. E. Dowell	Robert H. Moore	J. B. Veech
James A. Dressman, Jr.	Walter R. Moorman	Eulick (Mike) Walsh
Jack Early	Fred H. Morgan	Wm. Thos. Wathen
Harold Edwards	Earl F. Murphy	Morris Weintraub
Roscoe Estep	Thomas J. Murphy	Hicks Wells
Herbert Fern	Ewin C. Neville	William B. Wells
Wm. P. Friedlander	Bart N. Peak	W. A. (Pete) Wickliffe
Leslie Gay	Louis T. Peniston	Walker H. Wiseman
Charles M. Greene	Tipton Reed	Garrett L. Withers
Henry C. Hale		

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be returned to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 11. AN ACT to amend Section 23.050, KRS, 1950 Edition, in so far as it relates to the time of holding the terms of the Circuit Courts in the 36th Judicial District, composing the counties of Knott and Magoffin.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 23.050 (36) of Kentucky Revised Statutes, 1950 Edition, be and the same is amended with reference to the 36th Judicial District of Kentucky, and such section as amended shall read as follows:

(36) Thirty-sixth District. Knott County at Hindman, on the first Monday in February, twenty-four juridical days; on the third Monday in April, eighteen juridical days; on the fourth Monday in August, eighteen juridical days, and on the second Monday in November, 30 juridical days.

Magoffin County at Salyersville, on the second Monday in March, twenty-four juridical days; on the second Monday in June, eighteen juridical days, and on the fourth Monday in September, eighteen juridical days.

In order that no term of court in the 36th District as is now fixed by law may be interrupted or interfered with while in session, and so that it may be known well in advance when this Act shall become effective, it is provided that this Act shall be in effect on and after the first day of November, 1952.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Jack Early	Jennings Kearby
J. Everett Bach	Harold Edwards	Jesse H. Lawrence
Sidney Baer	William Engle	Paul M. Lewis
John Rhea Banton	Roscoe Estep	Harry K. Lowman
Clarence J. Barnum	Herbert Fern	William Maglinger
Owen Billington	Wm. P. Friedlander	Shelby McCallum
William W. Blanton	Leslie Gay	Tom Mobley
J. C. Bradley	Henry C. Hale	Robert H. Moore
Ed T. Breathitt	Eugene B. Hancock	Walter R. Moorman
Edw. O. Bridgers	George F. Harris	Fred H. Morgan
Thomas L. Britton	John Head	Earl F. Murphy
Walter J. Chyle, Jr.	Farmer Helton	Thomas J. Murphy
Lewis W. Combest	William K. Henry	Ewin C. Neville
Marvin A. Cornett	Thomas D. Hewlett	Bart N. Peak
R. Josh Cosby	Henry R. Heyburn	Louis T. Peniston
Charles M. Crowe	E. R. Hilton	Hobart Rayburn
J. C. Denney, Jr.	Ray Holbrook	Tipton Reed
C. E. Dowell	William M. Horn	J. F. Robinson
James A. Dressman, Jr.	Paul S. Jonas	Earl Rogers
R. L. Dunigan	William L. Jones	Joe Rouse

Carl J. Ruh	Mrs. Thelma Stovall	Wm. Thos. Wathen
Amos Runyon	E. H. (Ted) Stumbo	Hicks Wells
Cecil Sanders	Albert Thomason	William B. Wells
Clem Schroader	William F. Threlkeld	W.A.(Pete)Wickliffe
Gus F. Sheehan, Jr.	J. B. Veech	Walker H. Wiseman
Dr. B. F. Shields	Eulick (Mike) Walsh	Garrett L. Withers
John A. Sloan		—78

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be returned to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 45. AN ACT relating to the time of holding the regular terms of court for the eighth circuit court district, composed of Allen and Warren Counties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 23.050, the introductory phrase thereof and subsection (8) of the Kentucky Revised Statutes is amended to read as follows:

TERMS OF COURT. The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed.

* * * * *

(8) EIGHTH DISTRICT. Allen County, at Scottsville, on the fourth Monday of January, on the fourth Monday of April and on the fourth Monday in September; eighteen juridical days each.

Warren County, at Bowling Green, on the first Monday in January, eighteen juridical days; on the third Monday in February; thirty-six juridical days; on the first Monday in April;

eighteen juridical days; on the third Monday in May, thirty-six juridical days; on the first Monday in September, eighteen juridical days; on the third Monday in October, thirty-six juridical days.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

J. Everett Bach	C. E. Dowell	Farmer Helton
Sidney Baer	James A. Dressman, Jr.	William K. Henry
John Rhea Banton	R. L. Dunigan	Thomas D. Hewlett
Clarence J. Barnum	Jack Early	Henry R. Heyburn
Owen Billington	Harold Edwards	E. R. Hilton
J. C. Bradley	William Engle	Ray Holbrook
Ed T. Breathitt	Roscoe Estep	Chester J. Holsclaw
Thomas L. Britton	Herbert Fern	William M. Horn
Alex H. Calvert	Leslie Gay	Paul S. Jonas
Walter J. Chyle, Jr.	Charles M. Greene	William L. Jones
Lewis W. Combest	Henry C. Hale	Jennings Kearby
Marvin A. Cornett	Eugene B. Hancock	Jesse H. Lawrence
R. Josh Cosby	George F. Harris	Paul M. Lewis
Charles M. Crowe	John Head	Harry K. Lowman

William Maglinger	Hobart Rayburn	John A. Sloan
Shelby McCallum	Tipton Reed	E. H. (Ted) Stumbo
Tom Mobley	J. F. Robinson	Albert Thomason
Robert H. Moore	Earl Rogers	William F. Threlkeld
Walter R. Moorman	Joe Rouse	J. B. Veech
Fred H. Morgan	Carl J. Ruh	Wm. Thos. Wathen
Earl F. Murphy	Amos Runyon	Hicks Wells
Thomas J. Murphy	Cecil Sanders	William B. Wells
Ewin C. Neville	Clem Schroader	W.A.(Pete)Wickliffe
Bart N. Peak	Gus F. Sheehan, Jr.	Walker H. Wiseman
Louis T. Peniston	Dr. B. F. Shields	Garrett L. Withers

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be returned to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 222. AN ACT Relating to Alimony and Divorce Actions, amending and re-enacting section 423 of Carroll's Code of Civil Practice.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 423 of Carroll's Code of Civil Practice is re-enacted and amended to read as follows:

Section 423. The plaintiff, to obtain a divorce, must allege and prove, in addition to a legal cause of divorce:

(1) A residence in this state for one year next before the commencement of the action. Provided, that any person who has been a resident of any United States Army Post, Military Reservation, or Fort within the State of Kentucky for one year, or a resident of this State and resided on such United States Army Post, Military Reservation, or Fort together aggregating one

year, before filing of the petition may bring and maintain an action for divorce in any county adjacent to said army post or military reservation.

(2) That the cause of divorce occurred or existed in this State, or, if out of this State, either that it was a legal cause of divorce in the State where it occurred or existed under the provisions of Section 403.020 of the Kentucky Revised Statutes and any amendments thereto, or that the plaintiff's residence was then in this State, or that said cause for divorce occurred or existed on any U. S. Army Post, Military Reservation, or Fort within the State of Kentucky.

(3) That the cause of divorce occurred or existed within five years next before the commencement of the action.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Clarence J. Barnum	Ed T. Breathitt
J. Everett Bach	Owen Billington	Edw. O. Bridgers
Sidney Baer	William W. Blanton	Thomas L. Britton
John Rhea Banton	J. C. Bradley	Alex H. Calvert

Walter J. Chyle, Jr.	William M. Horn	Earl Rogers
Lewis W. Combest	Paul S. Jonas	Joe Rouse
Marvin A. Cornett	William L. Jones	Carl J. Ruh
R. Josh Cosby	Jennings Kearby	Amos Runyon
Charles M. Crowe	James W. Lambert	Clem Schroader
J. C. Denney, Jr.	Paul M. Lewis	Gus F. Sheehan, Jr.
R. L. Dunigan	Harry K. Lowman	Dr. B. F. Shields
Harold Edwards	William Maglinger	John A. Sloan
William Engle	Shelby McCallum	E. A. Spencer
Roscoe Estep	G. Lee McClain	Mrs. Thelma Stovall
Herbert Fern	Russell L. Meadows	E. H. (Ted) Stumbo
Wm. P. Friedlander	Tom Mobley	Albert Thomason
Charles M. Greene	Robert H. Moore	William F. Threlkeld
Henry C. Hale	Walter R. Moorman	J. B. Veech
George F. Harris	Earl F. Murphy	Eulick (Mike) Walsh
John Head	Thomas J. Murphy	Wm. Thos. Wathen
Farmer Helton	Ewin C. Neville	Morris Weintraub
William K. Henry	Bart N. Peak	Hicks Wells
Thomas D. Hewlett	Louis T. Peniston	W.A.(Pete)Wickliffe
Henry R. Heyburn	Hobart Rayburn	Walker H. Wiseman
Ray Holbrook	Tipton Reed	Garrett L. Withers
Chester J. Holsclaw	J. F. Robinson	—77

Those who voted in the negative were—

Dr. John Adkins, Jr. Jack Early —2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 269. AN ACT relating to police courts in cities of the second class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 26.150 of the Kentucky Revised Statutes is amended to read as follows:

In cities of the second class the police court shall have one judge. He shall receive a salary fixed by ordinance at not more than $4800 nor less than $3000 per annum, and no other compensation except the fees allowed to judges for holding examining trials in felony cases. He shall have each year a vacation of one month. No person shall be eligible to be a police judge unless at the time of his election he is at least twenty-five years of age, has been a resident of the city for at least four years, and has been a licensed, practicing attorney in the State of Kentucky for at least two years; provided, however, that police judges presently in office shall not be affected by the failure to be a licensed, practicing attorney for two years, nor shall they be disqualified from seeking re-election for that reason.

Mr. Dressman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Wm. P. Friedlander	Hobart Rayburn
J. Everett Bach	Charles M. Greene	Tipton Reed
Sidney Baer	Eugene B. Hancock	Earl Rogers
John Rhea Banton	George F. Harris	Joe Rouse
Clarence J. Barnum	John Head	Carl J. Ruh
Owen Billington	Thomas D. Hewlett	Amos Runyon
William W. Blanton	Ray Holbrook	Cecil Sanders
J. C. Bradley	Chester J. Holsclaw	Clem Schroader
Ed T. Breathitt	William M. Horn	Gus F. Sheehan, Jr.
Edw. O. Bridgers	Jennings Kearby	Dr. B. F. Shields
Thomas L. Britton	Paul M. Lewis	John A. Sloan
Alex H. Calvert	Harry K. Lowman	Mrs. Thelma Stovall
Walter J. Chyle, Jr.	William Maglinger	E. H. (Ted) Stumbo
Lewis W. Combest	G. Lee McClain	Albert Thomason
Marvin A. Cornett	Russell L. Meadows	Eulick (Mike) Walsh
R. Josh Cosby	Tom Mobley	Wm. Thos. Wathen
James A. Dressman, Jr.	Robert H. Moore	Morris Weintraub
R. L. Dunigan	Walter R. Moorman	Hicks Wells
Jack Early	Earl F. Murphy	William B. Wells
Harold Edwards	Thomas J. Murphy	W. A. (Pete) Wickliffe
William Engle	Ewin C. Neville	Walker H. Wiseman
Roscoe Estep	Bart N. Peak	Garrett L. Withers
Herbert Fern	Louis T. Peniston	—68

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 268. AN ACT relating to compensation of jurors.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 29.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) Grand jurors and petit jurors in circuit court shall each be paid five dollars per day for jury service. Persons whose names are on the jury list for jury service in circuit court, or are summoned under KRS 29.280 to supply a deficiency, who appear in person in court in response to summons, who reside outside the corporate limits of the city in which the court sits, and who do not claim exemption or ask to be relieved from jury service, shall receive five dollars per day for each day they are required to be and are in attendance, even though they are not sworn or accepted for jury service.

(2) When kept together over night in custody of the sheriff, petit jurors shall receive one dollar additional for each night they are kept together.

(3) In courts inferior to the circuit court, except in counties containing a city of the second class, each juror shall be paid fifty cents for each case in which he serves, but if the same juror serves on more than two juries in one day he shall not be allowed a fee for the cases in excess of two.

(4) In courts inferior to the circuit court, in counties containing a city of the second class, each juror shall be paid $1.50 for each case in which he serves, but if the same juror serves on more than two juries in one day he shall not be allowed a fee for the cases in excess of two.

Mr. Dressman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third

reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Leslie Gay	Hobart Rayburn
J. Everett Bach	Charles M. Greene	Tipton Reed
Sidney Baer	Henry C. Hale	J. F. Robinson
John Rhea Banton	Eugene B. Hancock	Earl Rogers
Clarence J. Barnum	George F. Harris	Joe Rouse
William W. Blanton	William K. Henry	Carl J. Ruh
J. C. Bradley	Thomas D. Hewlett	Amos Runyon
Ed T. Breathitt	Henry R. Heyburn	Cecil Sanders
Thomas L. Britton	Ray Holbrook	Clem Schroader
Alex H. Calvert	Chester J. Holsclaw	Gus F. Sheehan, Jr.
Walter J. Chyle, Jr.	William M. Horn	Dr. B. F. Shields
Lewis W. Combest	Paul S. Jonas	E. A. Spencer
Marvin A. Cornett	Paul M. Lewis	E. H. (Ted) Stumbo
R. Josh Cosby	G. Lee McClain	Albert Thomason
Charles M. Crowe	Russell L. Meadows	William F. Threlkeld
J. A. Dressman, Jr.	Tom Mobley	Eulick (Mike) Walsh
R. L. Dunigan	Robert H. Moore	Wm. Thos. Wathen
Jack Early	Walter R. Moorman	Morris Weintraub
Harold Edwards	Earl F. Murphy	Hicks Wells
William Engle	Thomas J. Murphy	W.A.(Pete)Wickliffe
Roscoe Estep	Ewin C. Neville	Walker H. Wiseman
Herbert Fern	Bart N. Peak	Garrett L. Withers
Wm. P. Friedlander	Louis T. Peniston	—68

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. Res. No. 28. A JOINT RESOLUTION authorizing Polly Darnell, administratrix of the Estate of Jessie Myers Darnell, deceased, to sue the Commonwealth of Kentucky.

Said bill is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Polly Darnell is authorized to sue the Commonwealth of Kentucky in Mason Circuit Court for damages resulting from the death of Jessie Myers Darnell, caused by the alleged negligence on the part of employees of the Commonwealth of Kentucky while said employees were in line of duty as employees of this Commonwealth.

Said suit shall be for a sum not in excess of $25,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate the alleged claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the state treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statements in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument of the jury.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to

the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Henry J. Giles	Hobart Rayburn
J. Everett Bach	Charles M. Greene	Tipton Reed
Sidney Baer	Henry C. Hale	Earl Rogers
Clarence J. Barnum	Eugene B. Hancock	Joe Rouse
Owen Billington	George F. Harris	Carl J. Ruh
William W. Blanton	John Head	Amos Runyon
J. C. Bradley	William K. Henry	Cecil Sanders
Edw. O. Bridgers	Henry R. Heyburn	Clem Schroader
Thomas L. Britton	E. R. Hilton	Gus F. Sheehan, Jr.
Alex H. Calvert	Ray Holbrook	Dr. B. F. Shields
Walter J. Chyle, Jr.	Chester J. Holsclaw	John A. Sloan
Marvin A. Cornett	William M. Horn	E. H. (Ted) Stumbo
R. Josh Cosby	Paul S. Jonas	Albert Thomason
Charles M. Crowe	Jennings Kearby	William F. Threlkeld
James A. Dressman, Jr.	Paul M. Lewis	J. B. Veech
R. L. Dunigan	Harry K. Lowman	Eulick (Mike) Walsh
Jack Early	William Maglinger	Wm. Thos. Wathen
Harold Edwards	G. Lee McClain	Hicks Wells
William Engle	Tom Mobley	William B. Wells
Roscoe Estep	Robert H. Moore	W. A. (Pete) Wickliffe
Herbert Fern	Thomas J. Murphy	Walker H. Wiseman
Wm. P. Friedlander	Bart N. Peak	Garrett L. Withers
Leslie Gay	Louis T. Peniston	—68

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was pased be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

Mr. Lowman moved that the consideration of H. B. 254 and H. B. 212, be passed and that they retain their place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 237. AN ACT relating to collection of taxes in fifth-class cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 92.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) The chief of police of each city of the fifth class shall collect all taxes placed in his hands for collection by the city council, except license taxes and taxes paid by banks, trust companies, building associations and other corporations, which shall be paid directly to the city treasurer.

(2) The city council of each city of the fifth class may appoint a city tax collector, who shall perform the duties pertaining to the collection of taxes set out in subsection (1) of this section and in subsection (1) of KRS 92.640. The collector shall give bond in a sum fixed by the city council.

(3) If the city council so desires, and as an alternative to appointing a tax collector, it may place the tax bills, except those for taxes required to be paid directly to the city treasurer under subsection 1, in the hands of the sheriff for collection. In that case the sheriff shall collect the taxes upon receiving the advice of the city council that the taxes have been levied and the amount to collect. The sheriff shall collect the taxes at the same time, and shall have the same powers, as in the collections of state and county taxes.

Section 2. Subsection (2) of section 92.640 of the Kentucky Revised Statutes is amended to read as follows:

(2) When the sheriff is designated to collect the taxes of any city of the fifth or sixth class, he shall make a settlement on or before the tenth day of each month, with the city treasurer, for the taxes so collected.

Mr. Lowman moved the Previous Question. .

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	R. Josh Cosby	Charles M. Greene
J. Everett Bach	Charles M. Crowe	Henry C. Hale
Sidney Baer	James A. Dressman, Jr.	Eugene B. Hancock
John Rhea Banton	Thomas R. Duncan	George F. Harris
Clarence J. Barnum	R. L. Dunigan	John Head
Owen Billington	Jack Early	William K. Henry
William W. Blanton	Harold Edwards	Thomas D. Hewlett
Ed T. Breathitt	William Engle	Henry R. Heyburn
Thomas L. Britton	Roscoe Estep	E. R. Hilton
Alex H. Calvert	Herbert Fern	Ray Holbrook
Walter J. Chyle, Jr.	Wm. P. Friedlander	William M. Horn
Marvin A. Cornett	Leslie Gay	Jennings Kearby

Paul M. Lewis	Ewin C. Neville	Gus F. Sheehan, Jr.
Harry K. Lowman	Bart N. Peak	Dr. B. F. Shields
Shelby McCallum	Louis T. Peniston	John A. Sloan
G. Lee McClain	Hobart Rayburn	E. H. (Ted) Stumbo
Russell L. Meadows	Tipton Reed	Albert Thomason
Tom Mobley	J. F. Robinson	William F. Threlkeld
Robert H. Moore	Earl Rogers	Eulick (Mike) Walsh
Walter R. Moorman	Joe Rouse	Morris Weintraub
Fred H. Morgan	Carl J. Ruh	William B. Wells
Earl F. Murphy	Amos Runyan	Walker H. Wiseman
Thomas J. Murphy	Cecil Sanders	Garrett L. Withers

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Clerk's Desk a bill of the following title, viz:

H. B. No. 105. AN ACT relating to the examination of witnesses in civil actions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (8) of section 606 of the Civil Code of Practice is amended to read as follows:

A party, or any person who is or hase been an officer, agent or employe of a corporation which is a party, may be examined as if under cross-examination at the instance of the adverse party, either orally or by deposition as any other witness; but the party calling for such examination shall not be concluded thereby, but may rebut it by counter testimony. The examination, authorized herein, of a person who is or has been an officer, agent or employe of a corporation shall be confined to events occurring during the existence of his occupational rela-

tionship with the corporation, and proof of such relationship shall constitute prima facie evidence that the officer, agent or employe was authorized to speak and act for and on behalf of the corporation during the existence of the occupational relationship.

Mr. Weintraub moved that the Committee Substitute for H. B. 105 be adopted, said substitute is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (8) of section 606 of the Civil Code of Practice is amended to read as follows:

(a) A party may be examined as if under cross-examination at the instance of the adverse party, either orally or by deposition as any other witness; but the party calling for such examination shall not be concluded thereby, but may rebut it by counter testimony.

(b) Any person who is or has been an officer, agent or employe of a corporation which is a party, may be examined as if under cross-examination at the instance of the adverse party, either orally or by deposition as any other witness; but the party calling for such examination shall not be concluded thereby, but may rebut it by counter testimony. The examination, authorized herein, shall be confined to events occurring during the existence of the officer's, agent's or employe's occupational relationship with the corporation, and proof of such relationship shall constitute prima facie evidence that the officer, agent or employe was authorized to speak and act for and on behalf of the corporation during the existence of the occupational relationship.

Said motion was agreed to, and said substitute was adopted.

Mr. Weintraub moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was engrossed and read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Roscoe Estep	Earl F. Murphy
Dr. John Adkins, Jr.	Herbert Fern	Ewin C. Neville
J. Everett Bach	Wm. P. Friedlander	Bart N. Peak
Sidney Baer	Charles M. Greene	Louis T. Peniston
Clarence J. Barnum	George F. Harris	Tipton Reed
Owen Billington	William K. Henry	Joe Rouse
William W. Blanton	Thomas D. Hewlett	Carl J. Ruh
J. C. Bradley	Henry R. Heyburn	Cecil Sanders
Ed T. Breathitt	E. R. Hilton	Gus F. Sheehan, Jr.
Edw. O. Bridgers	Ray Holbrook	John A. Sloan
Thomas L. Britton	Chester J. Holsclaw	E. H. (Ted) Stumbo
Walter J. Chyle, Jr.	Paul S. Jonas	Albert Thomason
Lewis W. Combest	Jennings Kearby	William F. Threlkeld
Marvin A. Cornett	Paul M. Lewis	J. B. Veech
R. Josh Cosby	Harry K. Lowman	Eulick (Mike) Walsh
Charles M. Crowe	William Maglinger	Wm. Thos. Wathen
James A. Dressman, Jr.	G. Lee McClain	Morris Weintraub
Thomas R. Duncan	Russell L. Meadows	Hicks Wells
R. L. Dunigan	Tom Mobley	William B. Wells
Jack Early	Robert H. Moore	W.A. (Pete) Wickliffe
Harold Edwards	Walter R. Moorman	Walker H. Wiseman
William Engle	Fred H. Morgan	Garrett L. Withers

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There voted in the negative—William M. Horn.

Mr. Weintraub moved that the title of said bill be as set out in the original bill, as follows, viz:

AN ACT relating to the examination of witnesses in civil actions.

Said motion was agreed to.

Said title amendment was adopted.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 12. AN ACT relating to real estate brokers and salesmen.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (4) of Section 324.010 of the Kentucky Revised Statutes is hereby repealed.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

Licenses shall be granted only to persons who are trustworthy and competent to transact the business of a real estate broker or salesman in such manner as to safeguard the interests of the public, and only after satisfactory proof of such qualifications has been presented to the Commission.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

In addition to proof of honesty, truthfulness and good reputation of any applicant for a license, each applicant must pass a written examination conducted by said Commission, or its authorized representative, which examination shall be of scope and wording sufficient in the judgment of the Commission to establish the competency and trustworthiness of the applicant to act as a real estate broker or salesman in such manner as to protect the interests of the public. Provided, however, no examination shall be required for the renewal of any present or future license unless such license has been revoked, suspended,

or is allowed to expire without renewal. The Commission shall hold examinations at such times and places as it may determine, and an examination fee of twenty-five dollars shall be collected from each applicant to defray the expenses of holding such examinations.

Section 4. A new section of the Kentucky Revised Statutes is created to read as follows:

Every real estate broker licensed under this Act shall have and maintain a definite place of business in this state, except as hereinafter provided, and shall erect and maintain a sign in a conspicuous place on the premises at or near the outside entrance to his principal office and all branch offices. The sign shall indicate that he is a real estate broker and his name shall be clearly shown thereon. Such sign shall be written in clear and legible letters of not less than two inches in height and shall be placed so that it can easily be observed and read by anyone entering said place of business. Provided, however, that if the broker is a non-resident, it is not mandatory for him to maintain an active place of business in this state if he maintains such a business place in the state where he is originally licensed.

Section 5. Section 324.060 of the Kentucky Revised Statutes is amended to read as follows:

Every application for a broker's or salesman's license shall be accompanied by a bond in the sum of three thousand dollars. The bond shall be a cash bond or a surety bond and, if the latter, shall be executed by a surety company authorized to do business in this state and shall be made to the Commission, and the bond shall be conditioned that the applicant shall conduct his business in accordance with the provisions of this chapter. The bond shall be in a form approved by the Commission; and, in addition to the foregoing, each and every broker and salesman licensed as of July 1, 1952, and thereafter, shall furnish bond in accordance with the provisions hereof.

Section 6. This Act shall apply only to real estate brokers and real estate salesmen who operate in any city of the first, second or third class, or within five miles from the corporate limits thereof.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	John Head	Thomas J. Murphy
J. Everett Bach	William K. Henry	Ewin C. Neville
Sidney Baer	Thomas D. Hewlett	Hobart Rayburn
John Rhea Banton	Henry R. Heyburn	Tipton Reed
Clarence J. Barnum	Ray Holbrook	Carl J. Ruh
William W. Blanton	Chester J. Holsclaw	Clem Schroader
Ed T. Breathitt	William M. Horn	Gus F. Sheehan, Jr.
Edw. O. Bridgers	Paul S. Jonas	Dr. B. F. Shields
Alex H. Calvert	William L. Jones	John A. Sloan
Walter J. Chyle, Jr.	Jennings Kearby	E. A. Spencer
Lewis W. Combest	Harry K. Lowman	Mrs. Thelma Stovall
James A. Dressman, Jr.	William Maglinger	E. H. (Ted) Stumbo
Thomas R. Duncan	Shelby McCallum	J. B. Veech
Harold Edwards	Russell L. Meadows	Morris Weintraub
William Engle	Tom Mobley	William B. Wells
Herbert Fern	Robert H. Moore	W. A. (Pete) Wickliffe
Wm. P. Friedlander	Fred H. Morgan	Walker H. Wiseman
George F. Harris	Earl F. Murphy	Garrett L. Withers

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Those who voted in the negative were—

Bill Adams	Leslie Gay	J. F. Robinson
Owen Billington	Charles M. Greene	Earl Rogers
R. Josh Cosby	Eugene B. Hancock	Joe Rouse
Charles M. Crowe	James W. Lambert	Cecil Sanders
R. L. Dunigan	Walter R. Moorman	William F. Threlkeld
Jack Early	Bart N. Peak	Eulick (Mike) Walsh
Roscoe Estep	Louis T. Peniston	Hicks Wells

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be returned to the Senate.

SENATE MESSAGE

A message was received from the Senate that they had concurred in and passed bills originating in the House, of the following titles, viz:

H. B. No. 95. AN ACT relating to qualification, registration and purgation of voters.

H. B. No. 96. AN ACT relating to election precincts, amending section 116.180 of the KRS.

H. B. No. 97. AN ACT relating to voting procedure, amending section 118.280 of the KRS.

H. B. No. 98. AN ACT relating to absent voting, amending sections 126.160, 126.170 and subsection (3) of section 126.270 of the KRS.

The Senate message further announced that they had passed bills originating in that body, said bills by their titles only, are as follows, viz:

S. B. No. 66. AN ACT relating to the attendance of witnesses from within or without a state in criminal proceedings.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The word "witness" as used in this act shall include a person whose testimony is desired in any proceeding or investigation by a grand jury or in a criminal action, prosecution or proceeding.

The word "state" shall include any territory of the United States and District of Columbia.

The word "summons" shall include a subpoena, order or other notice requiring the appearance of a witness.

Section 2. If a judge of a court of record in any state which by its laws has made provision for commanding persons within that state to attend and testify in this state certifies under the seal of such court that there is a criminal prosecution pending in such court, or that a grand jury investigation has commenced or is about to commence, that a person being within this state is a material witness in such prosecution, or grand jury investigation, and that his presence will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the county in which such person is, such judge shall fix a time and place for a hearing, and shall make an order directing the witness to appear at a time and place certain for the hearing.

If at a hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution or a grand jury investigation in the other state, and that the laws of the state in which the prosecution is pending, or grand jury investigation has commenced or is about to commence (and of any other state through which the witness may be required to pass by ordinary course of travel), will give to him protection from arrest and the service of civil and criminal process, he shall issue a summons, with a copy of the certificate attached, directing the witness to attend and testify in the court where the prosecution is pending, or where a grand jury investigation has commenced or is about to commence at a time and place specified in the summons. In any such hearing the cer-

tificate shall be prima facie evidence of all the facts stated therein.

If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure his attendance in the requesting state, such judge may, in lieu of notification of the hearing, direct that such witness be forthwith brought before him for said hearing; and the judge at the hearing being satisfied of the desirability of such custody and delivery, for which determination the certificate shall be prima facie proof of such desirability may, in lieu of issuing subpoena or summons, order that said witness be forthwith taken into custody and delivered to an officer of the requesting state.

If the witness, who is summoned as above provided, after being paid or tendered by some properly authorized person the sum of ten cents a mile for each mile by ordinary traveled route to and from the court where the prosecution is pending and five dollars for each day, that he is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state.

Section 3. If a person in any state, which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions, or grand jury investigations commenced or about to commence, in this state, is a material witness in a prosecution pending in a court of record in this state, or in a grand jury investigation which has commenced or is about to commence, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required. Said certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of this state to assure his attendance in this state. This certificate shall be presented to a judge of a court of record in the county in which the witness is found.

If the witness is summoned to attend and testify in this state he shall be tendered the sum of ten cents a mile for each

mile by the ordinary traveled route to and from the court where the prosecution is pending, and five dollars for each day that he is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this state a longer period of time than the period mentioned in the certificate, unless otherwise ordered by the court. If such witness, after coming into this state, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state.

Section 4. If a person comes into this state in obedience to a summons directing him to attend and testify in this state he shall not while in this state pursuant to such summons be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.

If a person passes through this state while going to another state in obedience to a summons to attend and testify in that state or while returning therefrom, he shall not while so passing through this state be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.

Section 5. This act may be cited as "Uniform Act to secure the Attendance of Witnesses from within or Without a State in Criminal Proceedings."

Said bill was ordered printed and referred.

S. B. No. 131. AN ACT to repeal, amend and re-enact Sections 278.130, 278.190, 278.290, 278.410, and 278.450, KRS, which sections relate to the regulation of utilities, and declaring an emergency to exist.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That Section 278.130, Kentucky Revised Statutes, be repealed, amended, and re-enacted to read as follows:

(1) For the purpose of maintaining the Public Service Commission, including the payment of salaries and all other expenses, and the cost of regulation of the utilities subject to its jurisdiction, the Commission shall each year assess the necessary amount upon the utilities in proportion to their gross earnings or receipts derived from intrastate business in Kentucky for the preceding calendar year, and shall notify each utility on or before May 31 of the amount assessed against it. The total amount so assessed shall not in any year exceed $250,000, and the sum paid by each utility shall not be less than $5 in any one year.

(2) The assessments provided for in this section shall be in lieu of all other fees or assessments levied by any city or other political subdivision for the control or regulation of utilities.

Sec. 2. That Section 278.190, Kentucky Revised Statutes, be repealed, amended, and re-enacted to read as follows:

(1) Whenever any utility files with the Commission any schedule stating new rates, the Commission may, upon its own motion, or upon complaint as provided in KRS 278.260, and upon reasonable notice, enter upon a hearing concerning the reasonableness of the new rates.

(2) Pending such hearing and the decision thereon, and after notice to the utility, the Commission may, at any time before said schedule becomes effective, suspend the operation of said schedule and defer the use of such rate, charge, classification or service, but not for a longer period than five months beyond the time when it would otherwise go into effect; and after full hearings, either completed before or after the rate, charge, classification or service goes into effect, the Commission may make such orders with reference thereto as it deems proper in the matter. If the proceeding has not been concluded and an order made at the expiration of such five months the utility may place the proposed change or rate, charge, classification or service in effect at the end of such period after notifying the commission, in writing, of its intention, so to do. Where increased rates or charges are thus made effective, the Commission may, by order, require the interested utility or utilities to maintain their records in such manner as will enable them, or the Commission,

or any of its customers, to determine the amounts to be refunded and to whom due in the event a refund is ordered, and upon completion of the hearing and decision may, by further order, require such utility or utilities to refund to the persons in whose behalf such amounts were paid such portion of such increased rates or charges as by its decision shall be found unreasonable. Provided, however, if the Commission, at any time during said five months' suspension period, finds that an emergency exists or that the company's credit or operations will be materially impaired or damaged by the failure to permit said rates to become effective during said five months' period, said Commission may after any hearing or hearings permit all or a portion of said rates to become effective under such terms and conditions as the Commission may, by order, prescribe.

(3) At any hearing involving the rate, or charge sought to be increased, the burden of proof to show that the increased rate or charge is just and reasonable shall be upon the utility and the Commission shall give to the hearing and decision of such questions preference over other questions pending before it and decide the same as speedily as possible, and in any event not later than ten months after the filing of such schedules.

(4) In the event the Commission, by order, directs any utility to make a refund, as hereinabove provided, of all or any portion of such increased rates or charges, the utility shall make the same within sixty days after a final determination of the proceeding by an order of the court or commission with or without interest in the discretion of the Commission. If the utility fails to make such refund within sixty days after such final determination, any party entitled to such refund may, after ten days' written demand, bring an action therefor in any court of competent jurisdiction of this state, and may recover, in addition to the amount of the refund due, legal interest, court costs and reasonable attorney's fees. No such action may be maintained unless instituted within one year after such final determination. Any number of persons entitled to such refunds may join in as plaintiffs in a single action and the court shall render a judgment severally for each plaintiff as his interest may appear.

Sec. 3. That Section 278.290, Kentucky Revised Statutes, be repealed, amended and re-enacted to read as follows:

(1) Subject to the provisions of subsection (2) of this section, the Commission may ascertain and fix the value of the whole or any part of the property of any utility in so far as the value is material to the exercise of the jurisdiction of the Commission, and may make revaluations from time to time and ascertain the value of all new construction, extensions and additions to the property of the utility. In fixing the value of any property under this subsection, the Commission shall give due consideration to the history and development of the utility and its property, original cost, cost of reproduction as a going concern, capital structure, and other elements of value recognized by the law of the land for rate-making purposes.

(2) The Commission shall not value or revalue the property of any utility unless the valuation or revaluation is necessary or advisable in order to determine the legality or reasonableness of any rate or service or of the issuance of securities, and then only after an investigation affecting the rate, service or securities has been instituted by the Commission upon complaint or application or upon its own motion, and a hearing has been held on reasonable notice.

(3) In any rate investigation where the utility serves two or more municipalities, the Commission may, in computing the rate of return on the property used and useful, take as the base for the computation the valuation of the system as a whole, but may make a differential in the case of an individual municipality in proportion to the increased cost of service, if the utility can show that such a differential should be allowed.

Sec. 4. That Section 278.410, Kentucky Revised Statutes, be repealed, amended and re-enacted to read as follows:

(1) Any party to a proceeding before the Commission or any utility affected by an order of the Commission may within twenty days after being served with the order, or within twenty days after his application for rehearing has been denied by failure of the Commission to act, or within twenty days after being served with the final order on rehearing, when a rehearing has been granted, bring an action against the Commission in the Franklin Circuit Court to vacate or set aside the order or determination on the ground that it is unlawful or unreasonable.

(2) The answer of the Commission shall be served and filed within twenty days after service of the complaint. The action shall then be at issue and stand ready for trial upon ten days' notice to either party, on the equity side of the docket of the court. The answer need not deny verbatim the allegations of the petition, but a general denial thereof on behalf of the Commission shall be sufficient.

(3) Injunctive relief may be granted by the Circuit Court in the manner and upon the terms provided by law.

Sec. 5. That Section 278.450, Kentucky Revised Statutes, be repealed, amended and re-enacted to read as follows:

Upon final submission of any action brought under KRS 278.410, the Circuit Court shall enter a judgment either sustaining the order of the Commission or setting it aside or vacating it in whole or in part, or modifying it, or remanding it to the Commission with instructions. Any final order of the Commission, on remand of the proceedings, shall be subject to court review in the same manner as any other final order of the Commission. Either party to the action may, within sixty days after the entry of the judgment of the Circuit Court, appeal to the Court of Appeals, and the appeal, when filed in the office of the Clerk of the Court of Appeals, shall be docketed and advanced in the same manner as Commonwealth cases.

Sec. 6. WHEREAS, the present limitation of One Hundred Thirty Thousand Dollars on the annual assessment of utilities is not sufficient for the necessary operating expenses of the Public Service Commission for the fiscal year July 1, 1952 to June 30, 1953, and the present Act requires the Commission to notify each utility on or before the 31st day of May of each year of the amount assessed against it, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Said bill was ordered printed and referred.

Mr. Lowman moved that the rules be suspended for the purpose of introducing bills.

Said motion was agreed to.

INTRODUCTION OF BILLS

Bills of the following titles were introduced viz:

By Mr. Weintraub.

H. B. No. 388. AN ACT relating to the compensation of master commissioners in circuit courts of continuous session.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.265 of the Kentucky Revised Statutes is amended to read as follows:

In circuit courts having continuous session, except as otherwise provided by KRS 64.270, the master commissioner may, in addition to other fees provided by law, receive and be paid by the fiscal court of the county wherein said circuit court is held an annual salary in a sum not less than $3,000 and not exceeding $5,000 to be fixed by order of said circuit court and said salary shall be paid in equal monthly installments commencing with the date the order of said circuit court shall be by the clerk thereof certified to said fiscal court.

Said bill was ordered printed and referred.

By Mr. Moore and Blanton.

H. B. No. 389. AN ACT relating to inheritance and estate taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonweath of Kentucky:

Section 1. Section 140.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) All real and personal property within the jurisdiction of this state and any interest therein belonging to inhabitants of this state, all tangible personal property wherever situated belonging to inhabitants of this state that has not acquired a situs for purposes of taxation outside of

this state, all intangible property belonging to persons domiciled in this state, all intangible property belonging to nonresidents that has acquired a business situs in this state (except as provided in subsection 2), all real property or interest therin within this state and all tangible personal property that has acquired a situs in this state and is not taxable elsewhere belonging to persons who are not inhabitants of this state, which shall pass by will or by the laws regulating interstate succession, or by deed, grant, bargain, sale or gift made in contemplation of death or made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor, absolutely or in trust, to any person or to any body politic or corporate, in trust or otherwise, or by reason whereof any person or body politic or corporate shall become beneficially entitled in possession or expectancy to any property or to the income thereof, is subject to a tax upon the fair cash value as of the date of the death of the grantor or donor of the property in excess of the exemptions granted and at the rates prescribed in this chapter. This tax shall be imposed when any such person or corporation becomes beneficially entitled in possession or expectancy to any property or the income thereof by any such transfer.

(2) Intangible property held in trust by a Kentucky trustee shall be deemed not to have a taxable situs in this state on the death of the settlor, if the settlor at the time of his death is a nonresident.

Section 2. Section 140.275 of the Kentucky Revised Statutes is amended to read as follows:

(1) If another state, territory, or the District of Columbia of the United States constitutionally imposes a tax on the transfer of estates or of the distributive shares thereof, but grants immunity from the tax in respect of any intangible property of its resident decedents held in trust by a Kentucky trustee, then the Commissioner of Revenue is hereby authorized to exclude from the property subject to tax under the Kentucky inheritance and estate tax laws, the intangible personal property of a Kentucky resident held in

trust in that jurisdiction but only in the event the personal representative shall present evidence that the tax has been or will be paid to the other jurisdiction.

(2) It is expressly provided, however, in view of the uncertainty now prevailing with respect to the correct interpretation of the Constitution of the United States regarding the jurisdiction of the several states, that the provisions of this section shall be inoperative until and unless an agreement, approved as to legality by the Attorney-General, between the Commissioner of Revenue as agent for Kentucky and the appropriate administrative official of such other state, shall have been executed and an original copy thereof filed with the Kentucky Department of Revenue.

Section 3. The provisions of this Act shall apply to the estates of all decedents dying on, or after, the effective date of this Act.

Said bill was ordered printed and referred.

By Mr. Murphy and Earl Rogers.

H. B. No. 390. AN ACT making an appropriation to the Common School Fund.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of the General Expenditure Fund in the State Treasury to the Common School Fund the sum of $8,000,000 for the fiscal year of 1953-54, which sum shall be allocated as follows:

$6,000,000 to the per capita fund.

$2,000,000 to the equalization fund.

Said bill was ordered printed and referred.

By Mr. Sheehan.

H. B. No. 391. AN ACT concerning pensions for policemen and firemen in cities of the second and third classes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory clause and subdivision (b) of Subsection (1) of Section 95.550 of the Kentucky Revised Statutes is amended to read as follows:

(1) The pension or benefits paid for disability or death from the policemen's and firemen's pension fund in cities of the second and third classes shall be as follows:

(b) If any member of the police or fire department becomes permanently disabled, physically or mentally, while in the performance of duty and by reason of service in the department, so as to render necessary his retirement from service in the department, the board of trustees shall retire him from service and order paid to him monthly fifty percent of whatever monthly salary may be prescribed by the legislative body of the city for the grade or position held by him at the time of his retirement. In no event shall such pension or benefit be reduced to less than fifty percent of the monthly salary received by the member at the time of retirement.

Section 2. Section 95.560 of the Kentucky Revised Statutes is amended to read as follows:

(1) In cities of the second class, the pensions or benefits paid from pension funds on retirement shall be as follows:

(a) Any member of the police or fire department having served twenty years or longer and the last five years thereof consecutively, may petition the board of trustees of the pension fund for retirement, and upon it being established that he is reasonably entitled to retirement the board shall order paid to him monthly fifty percent of whatever monthly salary may be prescribed by the legislative body of the city for the grade or position held by him at the time of his retirement.

(b) Any member having served fteen years and the last five years thereof consecutively, and who has become so disabled as to render him unfit for service in the department, may on proof of his disability, petition the board of trustees for retire-

ment, and upon a showing that he is reasonably entitled to retirement the board shall order paid to him monthly fifty percent of whatever monthly salary may be prescribed by the legislative body of the city for the grade or position held by him at the time of his retirement.

(c) The benefits provided for in this subsection shall accrue to any member who, within the twelve months immediately preceding March 10, 1938, was forced to retire from service in the police or fire department by reason of disability.

(2) In cities of the third class, any member of the police or fire department having served twenty years or longer consecutively in the police or fire department may petition the board of trustees for retirement, and if his petition is granted the board may order paid to him monthly fifty percent of whatever monthly salary may be prescribed by the legislative body of the city for the grade or position held by him at the time of his retirement.

(3) In no event shall any pension or benefit authorized by the preceding provisions of this section to be paid be reduced to less than fifty percent of the monthly salary received by the member at the time of retirement.

Said bill was ordered printed and referred.

By Mr. Sheehan.

H. B. No. 392. AN ACT relating to water districts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 74.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) After the county court has made an order creating a water district, the court shall appoint three water district commissioners, from among the residents of the water district, who shall elect a chairman, secretary and treasurer. One of the commissioners originally appointed shall be appointed for a term of two years, one for a term of three years, and one for a

term of four years. Upon the expiration of the term of office of each of these commissioners, the county court shall appoint a commissioner to succeed him to serve for a term of four years.

(2) Each Commissioner shall execute a bond, to be approved by the county court, and shall be sworn to faithfully perform the duties of his position.

(3) Vacancies shall be filled by the county court.

(4) Each commissioner shall receive an annual salary dependent upon the number of customer accounts in the water district for the last fiscal year of the water district ending prior to the beginning of the year for which compensation is paid to the water commissioners. Each annual salary shall not be in excess of that as tabulated below:

No. of Customer Accounts	Commissioners Annual Salary
Up to 1000	$ 200.00
1001 to 2000	400.00
2001 to 3000	600.00
3001 to 4000	800.00
4001 to 5000	1,000.00
5001 to 6000	1,200.00
6001 to 7000	1,400.00
7001 to 8000	1,600.00
8001 to 9000	1,800.00
9001 to 10,000	2,000.00
All over 10,000	2,000.00

Section 2. The increased compensation limits provided for in this Act shall be effective only with relation to the term of office of a commissioner which begins after the effective date of this Act.

Said bill was ordered printed and referred.

By Mr. Britton, Murphy, Dunigan and Greene.

H. B. No. 393. AN ACT relating to the election of county school superintendents.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any county may, by an election held pursuant to Section 2 of this Act, provide for the election of the county school superintendent.

Section 2. Upon the petition of one hundred voters residing in the county school district of any county, filed in the county court of that county, asking a submission of the question whether the county superintendent of schools should be elected pursuant to the provisions of Sections 7 through 10 of this Act, the county court shall direct the sheriff and the officers of election in the county to open a poll at the next regular election held not less than sixty days after the filing of the petition, for the purpose of ascertaining the will of the voters upon such question. No election shall be ordered unless the petitioners deposit with the county court, at the time of filing of the petition, an amount sufficient, in the opinion of the court, to defray the expenses of the election.

Section 3. The question shall not be submitted unless notice is published twenty days before the election in at least four issues of the newspaper published in the county, if there is one, having the largest bona fide circulation in the county. If there is no newspaper published in the county, notice shall be given by posting notices of the election on the courthouse door or the bulletin board for the courthouse, and in four public places in each precinct in which the election is to be held, at least twenty days before the election.

Section 4. When an election is ordered pursuant to Section 2, the county clerk shall have printed on the ballots for each precinct in which a vote is to be taken the question: "Are you in favor of making the office of county school superintendent of----------County an elective office?"

Section 5. The poll of elections held under Section 2 shall be compared and the result announced in the manner, at the time and by the person authorized to compare the polls and declare the results in elections held for county offices. The result shall be spread upon the records of the county court at its next regular term held after the result is declared.

Section 6. If a majority of those voting upon the question stated in Section 4 vote "Yes", the provisions of Sections 7 through 10 shall apply in the county and the office of county school superintendent shall be filled by elections to be held at the regular election for county offices next after the election to make the office of county school superintendent an elective office.

Section 7. Election of a county school superintendent shall be by the qualified voters of the county who reside in the county school district. A person so elected shall serve for a term of four years and may be elected for succeeding term or terms.

Section 8. No person shall be eligible for the office of county school superintendent who does not, at the time of his election, hold a statement signed by the Superintendent of Public Instruction that he has been duly issued a certificate of administration and supervision issued in accordance with the provisions of law, and which qualifies him to hold the position to which he may be elected, and he shall hold such a certificate throughout his term of office; nor shall he be eligible to such office unless, at the time of his election, he is twenty-four years of age or over, and has been a resident of this state at least one year.

Section 9. The names of candidates for county school superintendent shall be on a separate ballot from all other ballots used in the lection. No party emblem or symbol shall be placed on such ballot, or other device to indicate the political affiliation of any candidate. The county clerk shall cause to be printed on the ballot the names of all eligible candidates, for the office of county school superintendent, in whose behalf he is petitioned to do so in writing by not less than one hundred voters of the qualified to vote for the superintendent. The petition must be filed in the office of the county clerk not more than sixty days nor less than forty-five days before the day of election. Each petition must be signed by the requisite number of qualified voters, and shall show the place of residence of each signer. No person shall sign more than one petition. The names of the candidates shall be rotated on the ballots according to the

principle set forth in KRS 160.230 for candidates for the county board of education.

Section 10. The provisions of the general election laws shall, so far as applicable, apply to the conducting of elections for county school superintendent. The provisions of the primary election laws shall not apply.

Section 11. The county board of education shall fix the salary of the county school superintendent, prior to the time of his taking office, at not less than four thousand dollars per annum, to be paid in monthly installments.

Section 12. KRS 160.350 shall, after the effective date of this Act, apply only to superintendents of independent school districts, but the other provisions of the school laws, relating to the respective powers and duties of the boards of education and school superintendents, shall continue to apply to county school districts and superintendents.

Section 13. Section 161.721 of the Kentucky Revised Statutes is amended to read as follows:

The superintendent of schools in an independent school district shall be eligible for continuing contract status when he meets all requirements prescribed in KRS 161.720 to 161.810 for continuing contracts for teachers.

Said bill was ordered printed and referred.

COMMITTEE REPORT

Mr. William Engle, Chairman of the Committee on Cities of the Third Class, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 117. AN ACT relating to utilties in cities of the third class, providing for the amendment of Subsection (2) and (5) of Section 96.176, Section 96.182, and Subsection (3) of Section 96.183 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Russell L. Meadows, Chairman of the Committee on Mines, Oils and Minerals, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 135. AN ACT relating to liquefied petroleum gas.

With the expression of opinion that same should pass with Committee Amendment as follows:

Amendment 1—Amend Section 2 of H. B. 135 by striking out the period at the end of line 4 thereof and adding the following:

"or by the Interstate Commerce Commission."

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Carl J. Ruh, Chairman of the Committee on Cities of the Second Class, to which same had been previonsly referred, reported a bill of the following title, viz:

H. B. 302. AN ACT relating to fees and cost in police courts, amending subsection (2) of section 26.430 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Carl J. Ruh, Chairman fo the Committee on Cities of the Second Class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 301. AN ACT relating to the working hours of policemen in cities of the second class.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. L. M. Weathers, Chairman of the Committee on Cities of the Fifth Class, to which same had been previously referred, repotred a bill of the following title, viz:

S. B. 108. AN ACT changing the classification of the City of Lakeside Park, in Kenton County.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Carl J. Ruh, Chairman of the Committee on Cities of the Second Class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 120. AN ACT relating to city managers.

With the expression of opinion that same should pass with Committee amendments as follows:

Amendment No. 1—On Page 1 and 2, line 1 through 21—By striking therefrom lines 1 through 21, both inclusive and substituting therefor the following:

"Subsection (1) of Section 288.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every licensee may lend any sum of money not exceeding three hundred dollars, and may charge, contract for, and receive thereon interest at a rate not exceeding two percent per month on any part of the unpaid principal balance of the loan not in excess of one hundred and fifty dollars and one and one-half percent per month on any remainder of the unpaid principal balance of the loan."

Amendment No. 2—On Page 1—By striking thereof and inserting in lieu thereof the following:

"AN ACT relating to petty loan companies."

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Chester J. Holsclaw, Chairman of the Committee on Ways and Means, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 176. AN ACT concerning annexation of territory and reduction of boundaries by cities and repealing Sections 81.100 through 81.270 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. The boundaries of cities of all classes shall remain as established by law until changed in the manner provided in this Act. Whenever a city of any class desires to annex any unincorporated territory, in the county wherein said city is situated, or in an adjoining county or counties, or to reduce the boundaries of the city, the city legislative body may enact an ordinance defining accurately the boundaries of the territory proposed to be annexed or stricken off. The ordinance shall be published in at least ten (10) issues of the daily paper published in and having the largest circulation in the city. Provided that if there is no daily paper published in the city, the ordinance proposing annexation or reduction of territory shall be published in at least four (4) issues of a weekly paper published in and having the largest circulation in the city. If there is no daily or weekly paper published in the city, copies of the ordinance shall be posted for at least ten (10) days in four (4) conspicuous places in the city. In not less than thirty (30) days after the enactment of the ordinance, if the publication or posting has been made and no petition has been filed in the circuit court as provided in Section 2 of this Act, the city legislative body may enact another ordinance annexing to the city or striking from the city the territory described in the ordinance. Upon the enactment of the second ordinance, the territory shall become a part of the city, or be stricken from the city.

SECTION 2. Within thirty (30) days after the enactment of an ordinance proposing to annex unincorporated territory to a city of any class, or to reduce its limits, one or more

resident freeholders of the territory proposed to be annexed or stricken off may file a petition in the circuit court of the county, setting forth the reasons why the territory should not be annexed, or why the limits should not be reduced. Summons shall issue on the petition and be executed on the chief executive officer of the city, and the answer of the city shall be filed within twenty (20) days after service of the summons. The case shall be tried according to the practice prescribed for the trial of equity cases without the intervention of a jury.

If the court finds, upon a hearing, that less than seventy-five per cent (75%) of the resident freeholders of the territory to be annexed or stricken off have remonstrated and that the adding or striking off of the territory will be for the interest of the city and will cause no manifest injury to the resident freeholders in the territory sought to be annexed or stricken off, the annexation or reduction shall be approved. If the court finds that seventy-five per cent (75%) or more of the resident freeholders of the territory sought to be annexed or stricken off have remonstrated, the annexation or reduction shall not be approved, unless the court finds from the evidence that a failure to annex or strike off will materially retard the prosperity of the city and of the resident freeholders of the territory sought to be annexed or stricken off, in which case the annexation or reduction shall be approved notwithstanding the remonstrance.

An appeal from the judgment may be taken as in other cases, but there shall be no change of venue from the county. Costs shall follow the judgment.

A judgment approving the annexation or reduction shall, when entered, be certified to the city legislative body, which may thereupon annex to or strike from the city the territory described in the judgment, and the territory shall then become, or cease to become a part of the city.

SECTION 3. A city of the first class may annex cities of the fifth and sixth classes in the same manner and under the same procedure as is provided in Sections 1 and 2 of this Act for annexation of unincorporated territory with the following exceptions:

1. That an attested copy of the ordinance proposing annexation of such city of the fifth or sixth class shall be delivered to the chief city clerk of such city.

2. That no ordinance annexing a city of the fifth or sixth class to a city of the first class shall be enacted until a reasonable opportunity, not to exceed thirty (30) days, has been given to the officers of the city to be annexed to conclude the affairs of the city and to render a report to the chief fiscal officer of the annexing city stating accurately the nature, amount and value of the corporate property, franchises and rights held by said annexed city and all debts and liabilities of said city.

SECTION 4. Cities of the second, third, fourth and fifth classes may annex cities of the sixth class in the same manner and under the same procedure as is provided in Section 3 of this Act for annexation of cities of the sixth class by cities of the first class.

SECTION 5. (1) Whenever a first-class city desires to annex all or any part of a city of the second, third or fourth class, the legislative body of the first-class city shall pass an ordinance designating the city proposed to be annexed, or defining accurately the part proposed to be annexed, declaring it to be desirable to annex the city or part, and providing that the question of whether or not the city or part shall be annexed shall be submitted to the qualified voters of the city to be annexed, or, if only part of the city is proposed to be annexed, to the qualified voters residing in that part, at the next regular election to be held therein, if the next regular election is not held within sixty days after the passage of the ordinance.

(2) The mayor of the first-class city shall deliver a certified copy of the ordinance to the county clerk, who shall, if it is proposed to annex the whole city, have printed on the ballots provided for use in the city proposed to be annexed, the question: "Are you in favor of being annexed to the City of _____"? Opposite the question shall be printed "Yes" and "No", with squares for stamping the cross mark to indicate preferences. If it is proposed to annex only a part of the city, the clerk shall have the question printed on the ballots provided for use in each precinct embraced in whole or in part within that part

of the city proposed to be annexed. If only a part of any precinct is embraced within that part of the city proposed to be annexed the clerk of the election shall mark an "X" with the black ink stencils in the squares opposite both the words "Yes" and "No" upon the ballots of all persons voting who reside in the precinct but not in that part of it proposed to be annexed, before he delivers the ballots to those voters. The clerk shall cause the sheriff to deliver to the election officers in each precinct copies of the ordinance proposing to annex.

(3) If a majority of those voting on the proposition vote in favor of being annexed, the city proposing to annex shall pass an ordinance declaring the city or part annexed, and the city or part shall then become a part of the annexing city.

(4) If less than a majority of those voting on the proposition vote in favor of being annexed, the ordinance proposing annexation shall become ineffectual for any purpose.

SECTION 6. Except as provided in Section 4 of this Act, cities of the second, third, fourth and fifth classes may annex all or any part of a city of the same or smaller class, in the same manner and under the same procedure as is prescribed in Section 5 of this Act for annexation of other cities or parts of cities of the first class.

SECTION 7. Whenever a city of the first five classes annexes another city, the annexing city shall be bound for all the debts and liabilities, and shall be the owner of all corporate property, franchises and rights of the annexed city. If only a part of another city is annexed, the annexing city shall be liable for that proportion of the debts of the other city which the value of the real estate in the part of the city annexed bears to the value of all the real estate in the city, according to the latest assessment by the county tax commissioner.

SECTION 8. Sections 81.100 through 81.270 of the Kentucky Revised Statutes are hereby repealed.

With the experssion of opinion that same should pass with Committee Amendments as follows:

Amendment No. 1. On page 4, Section 3, Line 1 through

By striking therefrom Section 3 in its entirety and inserting in lieu thereof the following section.

"Section 3. (1) Whenever a city of the first class desires to annex all or any part of a city of the fifth or sicth class, the legislative body of the first class city shall pass an ordinance designating the city proposed to be annexed or defining accurately the part proposed to be annexed, declaring it to be desirable to annex the city or part, and defining accurately the boundary of the perritory proposed to be annexed. An attested copy of the ordinance proposing annexation of all or any part of such city of the fifth or sixth class shall be delivered to the city clerk of such city. After thirty (30) days following the enactment of the ordinance, if the delivery of the attested copy to the city clerk has been made and no petition has been filed in the circuit court as provided in Section 2 of this Act by any resident freeholder of any such city or part thereof sought to be annexed, the city legislative body may enact another ordinance annexing to the city the territory described in the ordinance.

(2) If within thirty (30) days following the enactment of the ordinance proposing annexation a petition is filed in the circuit court as provided in Section 2 of this Act by any resident freeholder of any such city or part thereof sought to be annexed, the city legislative body of the city of the first class shall pass an ordinance designating the city or part thereof proposed to be annexed and providing that the question of whether or not the city or part shall be annexed shall be submitted to the qualified voters of the city to be annexed or, if only part of the city is proposed to be annexed, to the qualified voters residing in that part at an election to be held in the following manner:

(a) The mayor of the first class city shall deliver an attested copy of the ordinance proposing annexation to the county clerk. Thereupon the county court shall at the current or the next regular term make an order on the order book of the court directing an election to be held in the city or part thereof proposed to be annexed.

(b) The election shall not be held earlier than sixty (60) days after the date the ordinance is delivered to the county clerk.

(c) Within five (5) days after the county court orders an

election the county clerk shall give to the sheriff an attested copy of the order. The sheriff shall have the order published for at least two (2) weeks before the election in a weekly or daily newspaper published in the county. The sheriff shall report in writing to the county court that the notices have been published.

(d) If it is proposed to annex the whole of a city of the fifth or sixth class the county clerk shall have printed on the ballots provided for use in the city proposed to be annexed the question: "Are you in favor of being annexed to the City of _____?" Opposite the question shall be printed "Yes" and "No" with squares for stamping the cross to indicate preference. If it is proposed to annex only a part of the city, the clerk shall have the question printed on the ballots provided for use in each precinct embraced in whole or in part within that part of the city proposed to be annexed. The county clerk shall cause the sheriff to deliver to the election officers in each precinct copies of the ordinance proposing to annex. If only a part of any precinct is embraced within that part of the city proposed to be annexed, the clerk of the election shall mark an "X" with a black ink stencil in the squares opposite both the words "Yes" and "No" upon the ballots of all persons voting who reside in the precinct but not in that part of it proposed to be annexed before he delivers the ballots to those voters. The county clerk shall cause the sheriff to deliver to the election officers in each precint copies of the ordinance proposing to annex. The general election laws including penalties for violations shall apply to the election except where these laws are inconsistent with this Act. The cost of the election shall be borne by the city proposing the annexation.

(3) If one-half or more of those voting on the proposition vote in favor of annexing, the city proposing to annex shall pass an ordinance declaring the smaller city or part annexed, and the smaller city or part shall then become apart of the annexing city; and the petition filed under the provisions of Section 2 of this Act shall be dismissed by operation of law.

(4) If three-fourths or more of those voting on the proposition vote against annexing, the ordinance proposing annexation shall be ineffectual for any purpose.

(5) If one-half or more but fewer than three-fourths of those voting on the proposition vote against annexing, the case instituted by the filing of the petition provided for in Section 2 of this Act shall be tried as provided in that section. If the court finds upon a hearing that the adding of the territory will be for the interest of the city proposing to annex and will cause no manifest injury to the resident freeholders in the territory sought to be annexed, the annexation shall be approved. An appeal from the judgment may be taken as in other cases, but there shall be no change of venue from the county. Costs shall follow the judgment.

(6) Nothing contained in this section shall affect any rights of any cities or persons under ordinances enacted prior to the effective date hereof, or any pending litigation arising under said ordinances."

Amendment No. 2. On Page 4, Section 3, Line 1 through 17

By striking therefrom Section 5 in its entirety and inserting in lieu thereof the following section:

"Section 5. (1) Whenever a first-class city desires to annex all or any part of a city of the second, third or fourth class, the legislative body of the first-class city shall pass an ordinance designating the city proposed to be annexed, or defining accurately the part proposed to be annexed, declaring it to be desirable to annex the city or part, and providing that the question of whether or not the city or part shall be annexed shall be submitted to the qualified voters of the city to be annexed, or, if only part of the city is proposed to be annexed, to the qualified voters residing in that part at a special election to be held in the following manner:

(a) The mayor of the first class city shall deliver an attested copy of the ordinance proposing annexation to the county clerk. Thereupon the county court shall at the current or the next regular term make an order on the order book of the court directing an election to be held in the city or part thereof proposed to be annexed and designating the date on which the election shall be held.

(b) The elction shall not be held earlier than sixty (60) days after the date the ordinance is delivered to the county clerk.

(c) Within five (5) days after the county court orders an election the county clerk shall give to the sheriff an attested copy of the order. The sheriff shall have the order published for at least two (2) weeks before the election in a weekly or daily newspaper published in the county. The sheriff shall report in writing to the county courtthat the notices have been published.

(d) If it is proposed to annex the whole of a city of the second, third, or fourth class the county clerk shall have printed on the ballots provided for use in the city proposed to be annexed the question: "Are you in favor of being annexed to the City of _____?". Opposite the question shall be printed "Yes" and "No" with squares for stamping the cross to indicate preference. If it is proposed to annex only a part of the city, the clerk shall have the questions printed on the ballots provided for use in each precinct embraced in whole or in part within that part of the city proposed to be annexed. The county clerk shall cause the sheriff to deliver to the election officers in each precinct copies of the ordinances proposing to annex. If only a part of any precinct is embraced within that part of the city proposed to be annexed, the clerk of the election shall mark an "X" with a black ink stencil in the squares opposite both the words "Yes" and "No" upon the ballots of all persons voting who reside in the precinct but not in that part of it proposed to be annexed before he delivers the ballots to those voters. The county clerk shall cause the sheriff to deliver to the election officers in each precinct copies of the ordinance proposing to annex. The general election laws including penalties for violation shall apply to the election except where these laws are inconsistent with this Act. The cost of the election shall be borne by the city proposing the annexation.

(2) If a majority of those voting on the proposition vote in favor of being annexed, the city proposing to annex shall pass an ordinance declaring the city or part annexed, and the city or part shall then become a part of the annexing city.

(3) If less than a majority of those voting on the proposition vote in favor of being annexed, the ordinance proposing annexation shall become ineffectual for any purpose."

Amendment No. 3. On Page,4, section 4, lines 1 through 5 By striking Section 4 in its entirety and substituting therefor the following:

"Section 4. Cities of the second, third and fourth classes may annex cities of the sixth class in the same manner and under the same procedure as is provided in Section 3 of this Act for annexation of cities of the sixth class by cities of the first class."

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Eulick Walsh, Chairman of the Committee on Railroads, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 86. AN ACT relating to the abandonment of railroad passenger service.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Gus Sheehan, Chairman of the Committee on Claims, to which same had been previously referred, reported a bill of the following title, viz:

H. Res. 38. A JOINT RESOLUTION authorizing OsCar Crawford, of Hardin County, to sue the Department of Highways and the Commonwealth of Kentucky, or either.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Gus Sheehan, Chairman of the Committee on Claims, to which same had been previously referred, reported a bill of the following title, viz:

H. Res. 31 A JOINT RESOLUTION authorizing the payment of a pauper idiot claim to Nancy Combs, of Vicco, Kentucky, committee for John Combs.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Gus Sheehan, Chairman of the Committee on Claims, to which Same had been previously referred, reported a bill of the following title, viz:

H. Res. 32 A JOINT RESOLUTION authorizing the payment of a pauper idiot claim to Eli Campbell, or Cornettsville, Kentucky, committee for Ivan Campbell.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Gus Sheehan, Chairman of the Committee on Claims, to which same had been previously referred, reported a bill of the following title, viz:

H. Res. 11 A JOINT RESOLUTION authorizing Curt McCarty, as the next friend of H. K. McCarty, an infant, to sue the Commonwealth of Kentucky and the Department of Military Affairs, or either.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Gus Sheehan, Chairman of the Committee on Claims, to which same had been previously referred, reported a bill of the following title, viz:

H. Res. 25 A JOINT RESOLUTION authorizing payment of a claim against the Commonwealth of Kentucky.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Gus Sheehan, Chairman of the Committee on Claims, to which same had been previously referred, reported a bill of the following title, viz:

H. Res. 30 A RESOLUTION, authorizing Blanche Kibbey to sue the Commonwealth of Kentucky and the State Highway Commission (now Department of Highways), either or both.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Gus Sheehan, Chairman of the Committee on Claims, to which same had been previously referred, reported a bill of the following title, viz:

H. Res. 23 A RESOLUTION authorizing the payment of costs and attorneys' fees in the contest case of Frazier v. Greene.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Carl Ruh, Chairman of the Committee on Cities of the Second Class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 334 AN ACT concerning city attorneys in cities of the second class.

With the expression of opinion that same should not pass.

No motion having been made to give said bill a first reading, the report of the committee to the contrary notwithstanding, it was ordered that said bill be not read the first time, and

So said bill was rejected.

REFERAL OF BILLS

Senate Bill 47—Cities of the First Class

Senate Bill 71—Fish & Game

Senate Bill 147—Cities of the First Class

Senate Bill 159—Public Utilities

Senate Bill 155—Cities of the First Class

House Bills 368—Kentucky Statutes No. 2

House Bill 369—Kentucky Statutes No. 2

House Bill 370—Kentucky Statutes No. 2

House Bill 371—Game & Fish

House Bill 373—Game & Fish

House Bill 375—Insurance

House Bill 378—Cities of the Fourth Class

House Bill 379—Kentucky Statutes No. 2

House Bill 380—Kentucky Statutes No. 2

House Bill 381—Cities of the Fifth Class

House Bill 382—Ways & Means

House Resolution 42—Kentucky Statutes No. 2

Mr. Lowman moved that the House do now adjourn until 10:30 o'clock a.m., Thursday, February 21, 1952.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, FEBRUARY 21, 1952

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House opened with prayer with Father O'Dwyer, Church of the Good Shepherd, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bill Adams	Henry Arrowood	Sidney Baer
Dr. John Adkins, Jr.	J. Everett Bach	John Rhea Banton

Clarence J. Barnum
Owen Billington
Wm. W. Blanton
J. C. Bradley
Ed T. Breathitt
Edward O. Bridgers
Thomas L. Britton
Alex H. Calvert
Walter J. Chyle, Jr.
Lewis W. Combest
Marvin A. Cornett
R. Josh Cosby
Charles M. Crowe
J. C. Denney, Jr.
C. E. Dowell
James A. Dressman, Jr.
Thomas R. Duncan
R. L. Dunigan
Harold Edwards
William Engle
Roscoe Estep
Herbert Fern
Wm. P. Friedlander
Leslie Gay
Henry J. Giles
Charles M. Greene
Henry C. Hale
Eugene B. Hancock
George F. Harris
John Head
Farmer Helton
William K. Henry
Thomas D. Hewlett
Henry R. Heyburn
E. R. Hilton
Ray Holbrook
Chester J. Holsclaw
William M. Horn
Paul S. Jonas
William L. Jones
Jennings Kearby
James W. Lambert
Paul M. Lewis
Harry K. Lowman
William Maglinger
Shelby McCallum
G. Lee McClain
Russell L. Meadows
Tom Mobley
Robert H. Moore
Walter R. Moorman
Fred H. Morgan
Earl F. Murphy
Thomas J. Murphy
Ewin C. Neville
Bart N. Peak
Louis T. Peniston
Hobart Rayburn
Tipton Reed
J. F. Robinson
Earl Rogers
Joe Rouse
Carl J. Ruh
Amos Runyon
Cecil Sanders
Clem Schroader
Gus F. Sheehan, Jr.
John A. Sloan
E. A. Spencer
Mrs. Thelma Stovall
E. H. (Ted) Stumbo
Egbert V. Taylor
Albert Thomason
Wm. F. Threlkeld
Eulick (Mike) Walsh
Wm. Thos. Wathen
L. M. Weathers
Morris Weintraub
Hicks Wells
William B. Wells
W.A. (Pete) Wickliffe
Charles W. Wirsch
Walker H. Wiseman
Garrett L. Withers
Charles W. Burnley, Speaker
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Mr. Baer moved that the absentees be granted a leave of absence.

Said motion was agreed to.

The absentees were as follows, viz: R. O. Blevins, Mrs. Mary E. Burnett, Jack Early, Jesse H. Lawrence, Mrs. J. T. Linton, Dr. B. F. Shields, Marion Vance, J. B. Veech and W. W. Webster.

Mr. Barnum moved that the reading of the Journal of the

proceedings of Wednesday, February 20, 1952 be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Walsh moved that Barbara A. Holsclaw and Jacqueline A. Holsclaw of Louisville, Kentucky be made Honorary Pages of the General Assembly for the 1952 Session.

Said motion was agreed to.

Mr. Lowman moved that the rules be suspended and to dispense with the next order of business known as the Motion Hour and to go into the next order of business, know as the Calendar.

Two members, Mr. Wientraub and Sloan having requested a roll call, which was granted and is as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Eugene B. Hancock	Fred H. Morgan
Henry Arrowood	George F. Harris	Earl F. Murphy
J. Everett Bach	William K. Henry	Thomas J. Murphy
Sidney Baer	Thomas D. Hewlett	Louis T. Peniston
John Rhea Banton	E. R. Hilton	Hobart Rayburn
Clarence J. Barnum	Ray Holbrook	Tipton Reed
William W. Blanton	Chester J. Holsclaw	Joe Rouse
J. C. Bradley	William M. Horn	Carl J. Ruh
E. T. Breathitt	Paul S. Jonas	Amos Runyon
Edward O. Bridgers	William L. Jones	Mrs. Thelma Stovall
Alex H. Calvert	Jennings Kearby	Albert Thomason
Walter J. Chyle, Jr.	Paul M. Lewis	Wm. F. Threlkeld
R. Josh Cosby	Harry K. Lowman	Eulick (Mike) Walsh
C. E. Dowell	William Maglinger	Wm. Thos. Wathen
Thomas R. Duncan	Shebly McCallum	L. M. Weathers
Harold Edwards	G. Lee McClain	Hicks Wells
William Engle	Russell L. Meadows	William B. Wells
Herbert Fern	Tom Mobley	W.A.(Pete)Wickliffe
Wm. P. Friedlander	Robert H. Moore	Walker H. Wiseman
Henry C. Hale	Walter R. Moorman	Garrett L. Withers

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Those who voted in the negative were—

Bill Adams	Leslie Gay	Cecil Sanders
Owen Billington	Charles M. Greene	Clem Schroader
Thomas L. Britton	John Head	Gus F. Sheehan, Jr.
Lewis W. Combest	Farmer Helton	John A. Sloan
Marvin A. Cornett	Henry R. Heyburn	E. A. Spencer
Charles M. Crowe	James W. Lambert	E. H. (Ted) Stumbo
J. C. Denney, Jr.	Ewin C. Neville	Egbert V. Taylor
James A. Dressman, Jr.	Bart N. Peak	Morris Weintraub
R. L. Dunigan	J. F. Robinson	Charles W. Wirsch
Roscoe Estep	Earl Rogers	—29

CALENDAR

The House took up for consideration from the Calendar, bills and resolutions, of the following titles, viz:

S. B. No. 81. AN ACT relating to the appellate civil jurisdiction of the Court of Appeals.

S. B. No. 154. AN ACT authorizing the Governor of the Commonwealth of Kentucky to enter into a compact with any other state or states for mutual assistance in meeting any civil defense emergency or disaster.

S. B. No. 92. AN ACT relating to confederate pensions.

S. B. No. 153. AN ACT concerning civil defense.

H. Res. No. 40. A JOINT RESOLUTION providing for the purchase and distribution of copies of the Kentucky Directory, 1952 Edition.

S. B. No. 68. AN ACT relating to motor transportation and motor vehicles.

H. B. No. 256. AN ACT relating to Grade Crossings in Counties containing a city of the first class.

H. B. No. 247. AN ACT relating to officers who shall not practice law.

S. B. No. 73. AN ACT relating to the terms of court in the Third Judicial District.

S. B. No. 91. AN ACT relating to use of photographic copies of business and public records as evidence.

H. B. No. 355. AN ACT relating to circuit districts.

S. B. No. 25. AN ACT concerning equipment of vehicles.

H. B. No. 343. AN ACT relating to the replacement of glass in motor vehicles.

S. B. No. 70. AN ACT relating to motor transportation and motor vehicles.

S. B. No. 69. AN ACT relating to reciprocal tax exemptions for nonresident motor carriers.

H. B. No. 346. AN ACT relating to civil jurisdiction of quarterly and justices' courts.

H. B. No. 286. AN ACT relating to dogs.

S. B. 117. AN ACT relating to utilities in cities of the third class, providing for the amendment of Subsection (2) and (5) of Section 96.176, Section 96.182, and Subsection (3) of Section 96.183 of the Kentucky Revised Statutes.

H. B. 135. AN ACT relating to liquefied petroleum gas.

H. B. 302. AN ACT relating to fees and cost in police courts, amending subsection (2) of section 26.430 of the Kentucky Revised Statutes.

H. B. 301. AN ACT relating to the working hours of policemen in cities of the second class.

S. B. 108. AN ACT changing the classification of the City of Lakeside Park, in Kenton County.

H. B. 120. AN ACT relating to city managers.

H. B. 176. AN ACT concerning annexation of territory and reduction of boundaries by cities and repealing Sections 81.100 through 81.270 of the Kentucky Revised Statutes.

H. B. 86. AN ACT relating to the abandonment of railroad passenger service.

H. Res. 38. A JOINT RESOLUTION authorizing Oscar

Crawford, of Hardin County, to sue the Department of Highways and the Commonwealth of Kentucky, or either.

H. Res. 31. A JOINT RESOLUTION authorizing the payment of a pauper idiot claim to Nancy Combs, of Vicco, Kentucky, committee for John Combs.

H. Res. 32. A JOINT RESOLUTION authorizing the payment of a pauper idiot claim to Eli Campbell, of Cornettsville, Kentucky, committee for Ivan Campbell.

H. Res. 11. A JOINT RESOLUTION authorizing Curt McCarty, as the next friend of H. K. McCarty, an infant, to sue the Commonwealth of Kentucky and the Department of Military Affairs, or either.

H. Res. 25. A JOINT RESOLUTION authorizing payment of a claim against the Commonwealth of Kentucky.

H. Res. 30. A RESOLUTION, authorizing Blanche Kibbey to sue the Commonwealth of Kentucky and the State Highway Commission (now Department of Highways), either or both.

H. Res. 23. A RESOLUTION authorizing the payment of costs and attorneys' fees in the contest case of Frazier v. Greene.

H. B. 334. AN ACT concerning city attorneys in cities of the second class.

Mr. Lowman moved that the second reading of said bills and resolutions be dispensed with, and said bills and resolutions be placed in the Orders of the Day.

Said motion was agreed to.

REPORT OF THE ENROLLMENT COMMITTEE

Mr. Henry on the Committee on Enrollment to which the same had been referred, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz:

S. B. No. 63. AN ACT relating to rules of pleading practice and procedure, and the forms thereof in civil actions, etc.

S. B. No. 85. AN ACT relating to control of Black Shank.

S. B. No. 86. AN ACT relating to powers of governing bodies of the state institutions.

S. B. No. 87. AN ACT to amend subsection (c) of section 3 of Senate Bill No. 1, passed by General Assembly at its extraordinary session 1951.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature on said bills.

Ordered that the Enrolling Clerk return said bills to the Senate.

SENATE MESSAGE

A message was received from the Senate that they had passed bills originating in that body, said bills by their titles only, are as follows, viz:

S. B. 119. AN ACT amending Section 423.010, KRS.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 423.010, Kentucky Revised Statutes, be amended so that said section as amended shall read as follows:

"The Secretary of State may appoint as many notary publics as he deems necessary, who shall hold office for four years. Any person desiring to be appointed a notary public shall make written application to the Secretary of State. The application shall be approved by the Circuit Judge, Circuit Clerk, County Judge, County Clerk, Justice of the Peace or a member of the General Assembly of the county of the residence of the applicant. No officer shall charge or accept any fee for approving the application. A notary public must be twenty-one years of age, a resident of the county from which he makes his application, of good moral character and capable of discharging the duties imposed upon him by this chapter, and the endorsement of the officer approving the application shall so state. The Secretary

of State in his certificate of appointment to the applicant must designate the limits within which the notary is to act. Before a notary acts, he must take an oath in the county court of his county that he will honestly and diligently discharge the duties of his office. He must in the same court give an obligation with good security for the proper discharge of the duties of his office. Every certificate of a notary public shall state the date of the expiration of his commission. The Secretary of State shall give to each notary appointed a certificate of his appointment under the seal of the Commonwealth of Kentucky in lieu of a commission heretofore required to be issued to said notary by the Governor of Kentucky, and receive the same fee for the certificate that he now receives for attesting the commission issued by the Governor.

Section 2. All acts and parts of acts in conflict with this act are hereby repealed to the extent of the conflict."

Said bill was ordered printed and referred.

S. B. 149. AN ACT relating to the establishment, operation and maintenance of public parks in and by any county in the Commonwealth of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The maintenance and operation of public parks is a proper municipal purpose for all counties. The fiscal court of any county may dedicate for use as parks any lands or buildings owned or leased by the county and not devoted to an inconsistent public use, and may acquire real property for such purpose by purchase, lease, condemnation or otherwise.

Sec. 2. The fiscal court of the respective counties of the Commonwealth of Kentucky shall have and are hereby given the power, jurisdiction and authority to establish and maintain a Division of Parks in their respective counties. All of the officers, members and employees of such Division of Parks shall have and are hereby given jurisdiction and authority co-extensive with the whole county for which they are appointed.

The chief administrative officer of any such Division of Parks shall be designated and known as "Director of Parks of ---------- County, Kentucky," and there may be such other officers, members and employees of such Division of Parks as the fiscal court of said county may authorize. The Director of Parks, hereafter referred to as "Director" and all other officers, members and employees, shall be appointed by the county judge of such county, and shall serve at the pleasure of the county judge. The Director and all officers, members and employees shall be citizens of the United States of America and shall have been bona fide residents of the county in which they are appointed for not less than one year next before their appointment. None but discreet and sober persons shall be appointed to any position in or under the Division of Parks.

The county court shall have and is hereby granted the power to make, promulgate and amend rules and regulations for the appointment, promotion, transfer, laying off, suspension, reinstatement, discharge and removal of the Director and of all other officers and employees, the number of hours each day, week or month the Director and other officers and employees shall be on duty; the hours the park or parks shall be opened and closed to the public; the stanardization and classification and duties of all officers, members and employees, into groups, grades and divisions and subdivisions, subject only to the right and duty of the fiscal court of the respective counties to fix the salaries and compensation of the Director, officers, members and employees of said Division of Parks and to provide the proper equipment and to provide also for the maintenance of such park or parks. The county judge may, in his discretion, appoint an advisory committee to advise and consult with the county judge and the fiscal court.

Sec. 3. Any county may accept any grant or devise of real estate or any bequest or gift of money, or any donation the principal or income of which is to be used for park purposes. Money received for such purposes shall, unless otherwise provided by the terms of the bequest, be deposited with the county treasurer to the account of the Division of Parks and may be withdrawn and paid out on order of the fiscal court.

Sec. 4. The fiscal court may appropriate money out of the general funds of the county for the purpose of acquiring, equipping, maintaining and opearting such public parks.

Said bill was ordered printed and referred.

S. B. 165. AN ACT relating to inquest, commitment, and discharge of incompetent persons, amending Section 202.080 of the KRS.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 202.080 of the Kentucky Revised Statutes is amended to read as follows:

No commitment in proceedings under this chapter, except commitments under KRS 202.120 for medical care and observation not exceeding thirty-five days, shall be made except upon the verdict of a jury, which the court shall call to try the case. The court in its discretion may conduct the trial or inquest in chambers.

Said bill was ordered printed and referred.

S. B. 169. AN ACT relating to actions and proceedings in circuit courts having two judges, amending Sections 24.080 and 24.150 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1.—Section 24.080 of the Kentucky Revised Statutes is amended to read as follows:

All criminal prosecutions, all proceedings upon bail bonds and recognizances in criminal cases and all inquests concerning the condition of the mind or mental faculty of persons shall be brought and prosecuted in the criminal, common law and equity division. Civil actions shall be prosecuted in both the criminal, common law and equity division and the common law and equity

division, and shall be divided between them and assigned to them as hereinafter provided.

Section 2.—Section 24.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) When by reason of the nature of the action or the disability of the judge of the division in which any civil action is pending, the judge cannot sit in the trial of the action, the judge of the other division may, upon the request of the judge of the division in which the action is pending, entered upon the order book of that division, preside in the trial of the action.

(2) If the judge of the criminal, common law and equity division is not available or is disqualified to sit in any inquest concerning the condition of the mind or mental faculty of any person, the judge of the common law and equity division may enter the necessary orders and preside at the trial of the case. The judge of the common law and equity division also may preside at the trial of any such inquest proceeding upon the request in writing of the judge of the criminal, common law and equity division, entered upon the order book where the record of such proceedings is recorded.

(3) If in any action both judges are disqualified, or if in any criminal action the judge of the criminal, common law and equity division is disqualified, a special judge shall be selected as provided by law.

Said bill was ordered printed and referred.

S. B. 179. AN ACT relating to tuberculosis sanatorium operated by city-county boards of health in counties containing a city of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. (a). Any city-county board of health established under KRS 212.350 to 212.610 that operates a tuberculosis sanatorium, shall be entitled to receive funds appropriated by the General Assembly for the operation of such sanatorium in ac-

cordance with the formula established in KRS 215.320 for District Tuberculosis Sanatoria.

(b). Any such city-county board of health that desires to avail itself of the benefits authorized herein shall make application therefor in the manner prescribed by KRS 215.340 for applications by tuberculosis districts for state aid.

Sec. 2. The State Board of Health shall exercise visitation, inspection and regulation of tuberculosis sanatoria operated by city-county boards of health to the same extent as provided in KRS 215.350 with respect to district tuberculosis sanatoria.

Said bill was ordered printed and referred.

S. B. No. 189. AN ACT concerning school building funds.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 160.477 of the Kentucky Revised Statutes is amended to read as follows:

(1) (a) Upon request of the board of education of any school district, the tax levying authority of the district shall adopt an ordinance or resolution submitting to the qualified voters of the district, the question as to whether a special school building tax rate of not less than five cents nor more than fifty cents as requested by the board shall be levied on each one hundred dollars of property subject to local taxation. This tax levy shall be in addition to the maximum school tax levy provided by KRS 160.475. The income from the tax shall be used for the purchase or lease of school sites and buildings, for the erection and complete equipping of new school buildings, for the major alteration, enlargement and complete equipping of existing buildings, for the purpose of retiring, directly or through rental payments, school revenue bonds issued for such school building improvements, and for the purpose of financing any program for the acquisition, improvement, or building of schools. The question shall be so framed that the voter may by his vote answer "For" or "Against."

(b) The election shall be held at a time fixed in the ordinance or resolution, not less than fifteen or more than thirty days from the time the request of the board is filed with the tax levying authority, and reasonable notice of the election shall be given. The election shall be conducted and carried out in the school district in all respects as required by the general election laws, and shall be held by the same officers as required by the general election laws. The expense of the election shall be borne by the fiscal court except where the election is held in a district embracing a city of the first five classes, in which case the cost of the election shall be borne by the governing body of the city.

(c) If a majority of those voting on the question favor the special school building tax levy, the tax levying authority shall when the next tax rate for the district is fixed levy the special rate specified by the board of education of the school district for the school building fund in addition to the levy provided by KRS 160.475.

Sec. 2. Whereas, a discrimination against independent school districts extant in Subsection (1) of KRS 160.477 has seriously curtailed the right of such districts to replace school buildings which have been destroyed by fire; and

Whereas, there exists a present need for replacement of such school buildings destroyed by fire;

An emergency is hereby declared to exist and this Act shall become effective as a law immediately upon its passage and approval by the Governor.

Said bill was ordered printed and referred.

S. B. 192. AN ACT relating to off-street parking facilities in certain cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 93.352 of the Kentucky Revised Statutes is hereby amended and as amended reads:

93.352 Powers of cities; land acquisition; construction, maintenance, operation, contracting for or leasing of parking facilities; sale of property; charges, rates, or fees.

Any city of the first class shall have and may exercise all powers necessary or convenient to carry out the purpose of KRS 93.352 to 93.356, which is hereby declared to be the acquisition, creation, and operation in any manner hereinafter provided, under public regulation, of public off-street parking facilities in any such city as a necessary incident to insuring in the public interest the free circulation of traffic in, through and from such city. Such powers shall include, but shall not be limited to the powers enumerated in the following paragraphs (a) to (k) inclusive:

(a) The power to purchase in the manner prescribed in KRS 83.300, and acquire by gift, bequest, devise, or grant, real property, or any interest therein, in any area of any such city in which the Director of Traffic Engineering in such city, subject to the approval of the legislative body of such city, shall have made a determination that public parking facilities are therein required, and to hold, use, and dispose of same in the manner prescribed by law.

(b) The power to condemn, in the manner prescribed in KRS 93.100, real property, or any interest therein in any area of any such city in which the Director of Traffic Engineering in such city, subject to the approval of the legislative body of such city, shall have made a determination that public parking facilities are therein required, and hold, use, or dispose of same in the manner provided by law; in such condemnation proceedings the City shall obtain a fee simple title and may thereafter dispose of same without working a reverter.

(c) The power to clear and improve, in the manner provided by law, any property acquired under KRS 93.352 to 93.356, and to construct or cause to be constructed thereon such structures and equipment suitable for parking facilities, as the Director of Traffic Engineering, subject to the approval of the legislative body of such city, shall have determined to be necessary.

(d) The power to maintain and operate for parking by the public, of vehicles, any property, or interest in property, constructed or acquired under KRS 93.352 to 93.356.

(e) The power to contract with any corporation, firm, individual, or association, private or public, subject to the provisions of KRS 93.352 to 93.356, for the operation as a public parking facility of any property, or interest in property, constructed or acquired under KRS 93.352 to 93.356, for such period as the Director of Traffic Engineering, subject to the approval of the legislative body of such city, shall determine.

(f) The power to lease to any corporation, firm, individual, or association, private or public, subject to the provision of KRS 93.352 to 93.356, for the operation thereof as a public parking facility, any property, or interest in property, constructed or acquired under KRS 93.352 to 93.356, for such period as the Director of Traffic Engineering, subject to the approval of the legislative body of such city shall determine.

(g) The power to sell, exchange, transfer, or assign, any property, real or personal, or any interest therein, constructed or acquired under KRS 93.352 to 93.356, whether or not improved, and which the Director of Traffic Engineering, subject to the approval of the legislative body of such city, shall have determined to be no longer necessary or required for the proper achievement of the purposes of KRS 93.352 to 93.356; provided however, the City may through the Director of Traffic Engineering subject to the approval of the legislative body of the city, lease such property or any part thereof for use for commercial purposes that may be in aid of the operation of Off-Street parking facilities under KRS 93.352 to 93.356.

(h) The power to lease for commercial purposes any part of said property which the City, through the Director of Traffic Engineering, with the approval of the legislative body of the City, shall have determined to be no longer

required, or not at that time required, for the proper achievement of the purposes of KRS 93.352 to 93.356.

(i) The power to establish and revise from time to time, schedules of rates to be charged for the use of such public parking facilities operated under KRS 93.352 to 93.356 and to establish, extend, revise, and rescind regulations in regard to the use, operation, and occupancy of any property or interest therein, constructed or acquired under KRS 93.352 to 93.356, to the end that the maintenance, operation, use, and charge for the use of all such property shall be subject to public regulation. The Director of Traffic Engineering, subject to the provisions of KRS 93.352 to 93.356 and subject to the approval of the legislative body of such city, shall establish, extend, revise, and rescind, such schedules and regulations.

(j) The power to engage in or contract for the construction, reconstruction, alteration, repair, and maintenance, of any public parking facilities operated or to be operated under KRS 93.352 to 93.356, as the Director of Traffic Engineering, subject to the approval of the legislative body of such city, shall determine.

(k) The power to adopt suitable ordinances defining particular areas within the City to be served by and for which off-street parking facilities shall be established under the provisions of KRS 93.352 to 93.356, regulating or prohibiting the parking of motor vehicles upon the streets of any such city within any such area, and providing that the provisions of any such ordinance shall be for the benefit of the holders of revenue bonds issued under the authority of KRS 93.352 to 93.356 and shall be irrepealable so long as any of such bonds shall remain outstanding.

Section 2. That Section 93.353 Kentucky Revised Statutes be and the same is hereby repealed.

Section 3. That Section 93.354 of the Kentucky Revised Statutes is hereby amended and as amended reads:

93.354 Revenue bonds to provide funds.

Any city of the first class is hereby authorized to provide funds for carrying out the purposes of KRS 93.352 to 93.356, by the issuance and sale of revenue bonds as hereinafter set forth. Such city may from the proceeds of any such bonds reimburse its general fund for any expenditures for such purposes made by it before sale and delivery of the bonds. Such bonds shall not constitute an indebtedness of such City but shall be secured by such revenues as the legislative body of such City may by ordinance provide. Such legislative body may pledge all or any part of any one or more of the following:

(a) The revenues derived from the property acquired or constructed from the proceeds of such bonds.

(b) Any revenues of any other similar project whether acquired from the proceeds of similar bonds or otherwise.

(c) Any revenues derived by the City from street parking meters.

Such bonds shall be designated on their face, "Public Off-Street Parking Facilities Revenue Bonds." It shall be plainly stated on the face of each bond that it has been issued under the provisions of KRS 93.352 to 93.356 and that it does not constitute an indebtedness of such city within the meaning of any constitutional provisions or limitations, or at all. Such bonds shall be authorized by ordinance of the legislative body of such city. The bonds shall be dated, shall bear interest at such rate or rates not exceeding five per centum per annum, shall be in such denomination or denominations, shall be payable at such place or places, which may be at any bank or trust company within or without the Commonwealth, shall mature at such time or times not exceeding forty years from their date or dates, and may be made redeemable before maturity, at the option of the city, at such price or prices and under such terms and conditions, and shall be executed in such form and manner, all as may be fixed by the legislative body of such city prior to the issuance of the bonds. The said legislative body shall determine the form of the bonds, including

any interest coupons to be attached thereto, and the manner of execution of the bonds. In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. The bonds may be issued in coupon or in registered form, or both, as the said legislative body may determine, and provision may be made for the registration of any coupon bond as to principal alone and also as to both principal and interest and for the reconversion of any bond registered as to both principal and interest into coupon bonds. Such bonds shall be exempt from taxation by the Commonwealth of Kentucky and by the municipalities and political subdivisions thereof. Such bonds may be issued without a vote of voters and without any other proceedings or happenings or any other conditions or things than those proceedings, conditions, and things which are specified and required by KRS 93.352 to 93.356. The said legislative body may authorize the sale of such bonds in such manner and for such price as it may determine to be for the best interests of the city, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than five per centum per annum, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values. If the proceeds of such bonds by error of calculation or otherwise, shall be less than the cost of the facilities for which the bonds shall be authorized, additional bonds may in like manner be issued to provide the amount of such deficit, and unless otherwise provided in the ordinance authorizing the issuance of the bonds, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. The ordinance authorizing the bonds may make such other conditions and provisions therefor, including provisions for the issuing of additional bonds and prescribing the relative priority thereof as the legislative body of such City may deem desirable. Bonds issued pursuant to KRS 93.352 to 93.356 shall have and are hereby declared to have, in the

hands of a bona fide holder, all of the qualities of negotiable instruments under the law of merchant, or the Negotiable Instrument Act of the Commonwealth of Kentucky.

Section 4. That section 93.355 of the Kentucky Revised Statutes is hereby amended and as amended reads:

93.355 Fees, charges, etc.; revenues, disposition of.

The said legislative body shall fix and revise from time to time fees, rates, rentals and charges for the use of the facilities constructed or acquired under the authority of KRS 93.352 to 93.356, and such fees, rates, rentals and charges shall be so fixed and adjusted as to provide (together with any additional income) such funds as the Board of Aldermen deems appropriate but in no event shall the said funds be less than sufficient (a) to pay the cost of maintaining, repairing, and operating the facilities, (b) to pay the interest on and the principal of the revenue bonds issued hereunder for the construction or acquisition of such facilities, and (c) to create necessary reserves for the foregoing purposes. Upon the payment of all of the bonds issued for any project the revenues from such project may be used for general municipal purposes as determined by the City's legislative body.

Section 5. Should any section, sub-section, paragraph, sentence, clause, or phrase, of this act, be declared unconstitutional or invalid, for any reason, the remainder of this act shall not be affected thereby.

Said bill was ordered printed and referred.

S. B. 196. AN ACT relating to boards of park commissioners in cities of the second class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of section 97.440 of the Kentucky Revised Statutes is amended to read as follows:

(2) Each board may:

(a) Contract and be contracted with, sue and be sued, have and use a corporate seal and alter and renew it at pleasure;

(b) Acquire and hold property for public parks and public squares and for parkways connecting the parks by condemnation, contract, purchase or gift;

(c) Lay out and improve the parks, parkways, squares and other property held or managed by it with walks, drives, roads, trees and other proper improvements, and contract for such improvements;

(d) Protect all property and improvements belonging to the board or under its management or control from injury or decay;

(e) Adopt rules and regulations for the reasonable and proper use and for preventing injuries to or misuse of all parks, parkways, public squares, boulevards, driveways, walks and park property generally;

(f) Prevent disorder and improper conduct within the precincts of any park or enclosure, or upon any drive, walk or avenue under the control of the board;

(g) Control and manage the planting and care of all shade trees along the sidewalks and thoroughfares of the city, and adopt and enforce rules and regulations necessary for the protection and care of such trees;

(h) Sell, convey, lease and otherwise dispose of all or any portion of the park property owned, held or controlled by the board to boards of education of cities of the second class for valuable consideration where and when said park properties are to be used for school purposes, and to make, execute and deliver any and all instruments necessary and proper to effectuate transfer of legal title thereto.

Said bill was ordered printed and referred.

S. B. 202. AN ACT changing the classification of the City of Loyall, in Harlan County.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the City of Loyall, in Harlan County, is transferred from the sixth to the fifth class of cities.

Said bill was ordered printed and referred.

S. B. 204. AN ACT changing the classification of the City of Danville, in Boyle County.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Danville, in Boyle County, is transferred from the fourth to the third class of cities.

Said bill was ordered printed and referred.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 140. AN ACT relating to a department of Mental Health, and its establishment, organization, personnel, powers, duties, functions, funds and facilities, including provisions for the transfer of functions, funds and facilities from other state departments or agencies.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. (1) There hereby is created a Department of Mental Health which shall constitute a statutory administrative department of the state government within the meaning of Chapter 12 of the Kentucky Revised Statutes. The department shall be headed by a Commissioner of Mental Health who shall be

the executive officer and shall have sole charge of the administration of the department.

(2) The commissioner shall have authority, with the approval of the Governor, to appoint an assistant commissioner and directors of the various divisions in the department, and prescribe their duties. The assistant commissioner may be designated as director of a division.

(3) The commissioner shall have authority to prescribe rules and regulations for the administration of the department and of the institutions under the control of the department.

Sec. 2. (1) The Commissioner of Mental Health shall be a qualified physician with approved training in psychiatry and with a minimum of five years' successful experience in clinical psychiatry and administrative psychiatry. The assistant commissioner shall have the same qualifications, except that the minimum experience requirement shall be three years. The superintendents of the institutions operated by the department shall be qualified physicians with a minimum of three years' experience in the administration of the hospitals providing care for the mentally ill. Professional personnel of the department shall possess such qualifications as are prescribed by the commissioner.

(2) The compensation of the commissioner shall be fixed by the Governor, without regard to any limitation imposed by KRS 64.640. The compensation of other personnel of the department shall be fixed by the commissioner in accordance with KRS 64.640 and 64.650. The commissioner, the assistant commissioner, and the superintendents of the institutions operated by the department shall be allowed maintenance for themselves and family in addition to salary. Maintenance may be allowed to institutional employes in accordance with regulations prescribed by the Department of Finance under KRS 64.640.

Sec. 3. There hereby is created an Advisory Council of Mental Health, within the Department of Mental Health, which shall consist of the Commissioner of Mental Health, ex officio, and twelve members, including physicians, psychiatrists and laymen, appointed by the Governor, who shall serve for terms

of four years, and until their successors are appointed, except that the members first appointed shall be so appointed that the terms of three members will expire each year. The appointed members shall receive their actual and necessary expenses in attending meetings of the council. The Governor shall each year appoint a chairman from among the psychiatrist members of the council. The council shall serve in an advisory capacity to the Commissioner of Mental Health.

Sec. 4. The Department of Mental Health shall:

(1) Exercise all functions of the state in relation to the administration and operation of all state institutions for the care and treatment of the mentally ill, not including any institution for the feeble-minded.

(2) Establish or acquire, in accordance with the provisions of KRS 56.440 to 56.550, other or additional facilities for psychiatric care and treatment of persons who are or may become state charges.

(3) Cooperate with the Department of Health and with other state agencies for the development of a state-wide mental health program looking toward the prevention of mental disease and the post-institutional care of persons released from public or private mental hospitals.

(4) Provide for the custody, maintenance, care and medical and psychiatric treatment of the patients of the institutions operated by the department.

(5) Provide psychiatric consultation for the state penal and correctional institutions, and for the state institutions operated for children or for the feeble-minded.

(6) Administer and supervise programs for the non-institutional care of mentally ill persons, not including the administration of the pauper idiot law.

(7) Supervise private mental hospitals receiving state aid or receiving patients committed by order of a court.

Sec. 5. The Department of Mental Health shall be divided for administrative purposes into:

(1) A Division of Professional Services, which shall supervise the administration of the clinical work in institutions.

(2) A Division of Business Administration, which shall be responsible for administration of the functions of the department in relation to budgets, expenditures, purchasing, maintenance, building projects, reimbursements, statistics and records, food service and personnel.

(3) Such other divisions as the commissioner, upon written authorization of the Governor, may establish for administrative supervision of other functions of the department.

Sec. 6. Each of the institutions operated by the Department of Mental Health shall be under the immediate management of a superintendent appointed by the Commissioner of Mental Health. The Superintendents shall be specifically charged with the medical and psychiatric treatment and care of the patients, and with the training and research programs, of their respective institutions. Each superintendent shall have the general management of his institution, and the patients thereof, subject to the rules and regulations of the departments, and, except as provided in section 12 of this Act, shall devote his entire time to the duties of his position. Each superintendent, subject to the approval of the commissioner, shall employ the necessary personnel for his institution, including both professional and nonprofessional employes. Employes shall be selected for merit and fitness only, and except as provided in section 13 of this Act or when employed for special or temporary service, shall give all of their time to the service of the department. A superintendent may be removed from office, by the commissioner, with approval of the Advisory Council of Mental Health.

Sec. 7. No employe of an institution operated by the Department of Mental Health, after having served in his position continuously for six months, shall be removed from his position except as provided in this section. The superintendent of the institution may suspend the employe, from pay and from duties, upon a written statement of cause furnished to the employe. Within ten days thereafter the employe may apply to the Commissioner of Mental Health for a hearing. Thereupon the com-

missioner shall convene a board of review consisting of the commissioner and two other suitable persons appointed by him, and shall fix a time and place at which the board will conduct a hearing, of which reasonable notice shall be given to the employe and the superintendent. Upon the basis of the hearing, the board shall either authorize the removal of the employe, or direct that he be reinstated, either in his former position or in a similar position in another of the institutions operated by the department. Any order of removal or reinstatement shall relate back to the date of suspension. Unless application for a hearing is made within the time specified, the employe shall be deemed to have been removed as of the date of suspension.

Sec. 8. The Commissioner of Mental Health may transfer between the institutions operated by the department, or to the headquarters of the department, any superintendent or institutional employe. Necessary moving expenses involved in such transfers shall be paid by the department.

Sec. 9. Neither the commissioner, the assistant commissioner, the director of a division, the superintendent of any institution, nor any other officer or employe of the Department of Mental Health shall be permitted to engage in any political activity. Any political activity on the part of an institutional employe shall be cause for his dismissal, in accordance with section 8 of this Act.

Sec. 10. No officer or employe of any institution operated by the Department of Mental Health shall be required to give personal attendance as a witness in any civil suit out of the county in which the institution is located, but his deposition shall be taken in lieu thereof.

Sec. 11. (1) No officer in the Department of Mental Health shall sell anything to any institution under the control of the department, or make any contract, in which he is personally interested, with such institution.

(2) No officer or employe of the department shall accept any gift or fee for any purpose from any person who has at the time or has had a contract to do anything connected with the department or any of its institutions.

Sec. 12. No officer or employe of the Department of Mental Health shall receive or accept any compensation for personal services other than that paid by the state, except that the commissioner, and other officers and employes when so authorized by the commissioner, may be employed in, and receive compensation from outside activities such as teaching, research or community service work, to an extent that will not interfere with the performance of the duties of their office or employment.

Sec. 13. Religious instruction and ministration for patients of the institutions operated by the Department of Mental Health shall be provided for in the same manner as provided in KRS 196.240 for other state institutions.

Sec. 14. (1) Pursuant to agreement entered into by the heads of the departments concerned, a patient or inmate of a state institution operated by one state department may be transferred to a state institution operated by another state department, except that:

(a) An inmate may be transferred from a penal or correctional institution only as provided in KRS 202.380 and 431.240.

(b) No patient or inmate may be transferred to a penal or correctional institution unless he has been committed to such institution by judgment of a court.

(c) No patient or inmate may be transferred to an institution for the mentally ill or feeble-minded, except for a period of observation not to exceed thirty-five days, unless he has been adjudged mentally incompetent by a court and has been committed to a state institution for the mentally ill or feeble-minded. However, this shall not apply to transfers under KRS 202.380 or 431.240.

(2) When a patient or inmate committed by court order to one institution is transferred to another institution pursuant to this section, the order of commitment shall be deemed to apply to the institution to which transferred.

Sec. 15. The Division of Agricultural Production in the Department of Welfare, under agreements with the Depart-

ment of Mental Health, shall supervise the management and operation of any farm or agricultural facilities attached to or a part of any of the institutions operated by the Department of Mental Health. The products of any such farm or agricultural facility shall be furnished to the institution for its use or sold or exchanged for the use of the institution.

Sec. 16. The Department of Mental Health may acquire farm lands for the uses and purposes of its institutions, in accordance with the provisions of KRS 56.440 to 56.550. The University of Kentucky shall furnish investigational services for this purpose in the same manner as provided in KRS 196.130.

Sec. 17. The Department of Mental Health may accept money from the Federal Government, or any of its agencies, under any grant agreement entered into by this state or by the department. Such money may be expended for capital outlay in accordance with the provisions of KRS 56.440 to 56.550. The department also may accept grants, gifts, bequests or devises from public or private sources, and use the same for any purpose within the scope of the functions of the department, consistent with the terms of the grant, gift, bequest or devise.

Sec. 18. There shall be established and maintained, at each of the institutions operated by the Department of Mental Health, a canteen which shall be incorporated and self-supporting. The directors of each canteen shall be the Commissioner of Mental Health, the assistant commissioner, the Director of Business Administration, and the superintendent and business manager of the institution. All profits from each canteen shall be used exclusively for the benefit of the patients of the institution.

Sec. 19. The Commissioner of Mental Health may utilize the services of the workers of the Department of Mental Health, and the social workers of the Department of Welfare or the Department of Economic Security, when authorized by the commissioners of those departments. The Commissioner of Mental Health may authorize payment of the actual traveling expenses of the workers so utilized.

Sec. 20. At least four times in each calendar year, the Commissioner of Mental Health shall visit or cause to be visited

by the assistant commissioner, or a physician of the staff of one of the institutions, every state institution over which the Department of Mental Health has control. The visits shall be made on such days and at such hours of the day or night, and for such length of time, as the inspecting officer may choose. In addition to these regular visits, the inspecting officer may make such other visits as the commissioner deems necessary. Every visit shall include an inspection of every part of the institution, including the buildings and grounds in connection therewith, an examination of all records and the methods of administration, the general and special dietary, and of every patient confined therein, especially those admitted since the preceding visit, giving them suitable opportunity to converse with the inspecting officer, apart from the officers and attendants of the institution. The inspecting officer shall examine the officers, attendants and other employes, and make inquiries to determine their fitness for their respective duties.

Sec. 21. No patient of any of the institutions operated by the Department of Mental Health shall be denied the right to correspond with an attorney or with the commissioner.

Sec. 22. The Commissioner of Mental Health may prescribe appropriate records to be maintained covering the operations of the department and of the institutions operated by it, and covering commitment procedures. Any record forms applicable to commitment procedures shall be furnished to each court having jurisdiction to commit mentally ill persons, and the records contemplated by such forms shall thereafter be made by the committing courts.

Sec. 23. The Commissioner of Mental Health is authorized to establish training schools within the department or within any of the institutions operated by the department, for the training of necessary personnel for the institutions, or may arrange for the training of employes or prospective employes in any public or private school or institution having available facilities for that purpose. Funds of the department may be used to pay salaries to employes, or to pay tuition and subsistence for employes or prospective employes, while receiving such training. Any employe or prospective employe who is paid a salary,

or for whom tuition and subsistence are furnished, while receiving such training, shall be required to enter into a contract, prior to receiving such training, that unless he continues in the employ of the department for at least a period equivalent to the training period, immediately following the completion of such training, he will reimburse to the department the sum paid to or for him by the department during the period of his training.

Sec. 24. (1) The Commissioner of Mental Health may appoint, for each of the institutions operated by his department, a board of visitors consisting of not less than three nor more than ten citizens having an interest in the problems of mental health. The members of each board shall serve during the pleasure of the commissioner, and without compensation.

(2) Each board of visitors shall visit at least once a year the institution for which it was appointed, and shall report to the commissioner the conditions found to exist in the institution, together with recommendations for improvements in the administration of the institution. The board shall be given free access to the institution and its patients for the purpose of such visits.

Sec. 25. (1) Any officer who violates subsection (1) of section 12 of this Act shall be fined not less than $250 nor more than $1,000.

(2) Any officer or employe who violates subsection (2) of section 12 of this Act shall ipso facto forfeit his office or position, and the office or position shall be declared vacant.

(3) Any person who willfully violates section 14 or section 22 of this Act shall be fined not less than $25 nor more than $100.

Sec. 26. Section 203.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Feeble-minded person," "epileptic," "idiot," "lunatic," "insane person," "person of unsound mind" and "pauper idiot or lunatic" have the same meaning as defined in KRS 202.010.

(2) "Institution" means any hospital or institution for feeble-minded, epileptic, or insane persons.

(3) "State institution" means an institution for feeble-minded, epileptic or insane persons which receives fifty percent or more of its support from state funds.

(4) "Health officer" means any person charged with enforcing the health laws of the state or any political subdivision thereof.

(5) "Department" means the Department of Mental Health, and any reference to the "Department of Welfare," the "Division of Hospitals and Mental Hygiene," the "Commissioner of Welfare," or the "Director of the Division of Hospitals and Mental Hygiene," shall be deemed to refer, respectively, to the Department of Mental Health and the Commissioner of Mental Health, except that where any of the quoted names or designations are used with reference to a state institution for the feeble-minded they shall be deemed to refer to the Department of Welfare and the Commissioner of Welfare.

Sec. 27. A new section of the statutes is created to be numbered KRS 202.015 and to read as follows:

Wherever used in this chapter, the terms "department," "Department of Welfare," "Division of Hospitals and Mental Hygiene," "Commissioner of Welfare," and "Director of the Division of Hospitals and Mental Hygiene," shall be deemed to refer, respectively, to the Department of Mental Health and the Commissioner of Mental Health, except that where any of the quoted terms are used with reference to a state institution for the feeble-minded they shall be deemed to refer to the Department of Welfare and the Commissioner of Welfare.

Sec. 28. Section 202.170 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner of Mental Health shall prescribe from time to time, by regulations, for the designation of hospital districts, for the purpose of determining to which of the state institutions for the mentally ill the persons committed from each county shall initially be sent.

Sec. 29. Section 196.100 of the Kentucky Revised Statutes is amended to read as follows:

The department shall prescribe rules and regulations for the government of the state institutions for the feeble-minded, for the proper maintenance and treatment of patients, for the preservation of buildings and grounds, for the use and cultivation of farms and gardens, and for the sale of surplus produce, the purchase of clothing, food, medicine and necessary supplies.

Sec. 30. Section 196.150 of the Kentucky Revised Statutes is amended to read as follows:

The department may accept money from the Federal Government, or any of its agencies, under any grant agreement entered into by the State of Kentucky or the Department of Welfare. Such money may be expended for capital outlay in accordance with the provisions of KRS 56.440 to 56.550.

Sec. 31. Section 196.160 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner of Welfare shall appoint a superintendent, a receiver and other necessary employes for each of the state penal and correctional institutions, and for the state institution for the feeble-minded, and shall fix their compensation, which may include maintenance, in accordance with the provisions of KRS 64.640 and 64.650.

Sec. 32. Section 196.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) The superintendent shall have the general management of the institution, and the inmates thereof, subject to the rules and regulations of the department, and he shall devote his entire time to the duties of his office.

(2) The superintendent of each institution shall be held responsible for the management of his institution and shall be subject to removal at any time by the commissioner.

Sec. 33. Section 196.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) The superintendent of the institution for the feeble-minded shall be a person with special experience in the training and care of the feeble-minded. He shall have had at least two years' administrative experience in a qualified institution for the care and treatment of the feeble-minded.

(2) The educational director of the institution for the feeble-minded shall be a college graduate, presenting evidence of special training and experience in the education of feeble-minded or backward school children, and shall have had at least one year's experience in teaching feeble-minded or backward children.

(3) The qualifications of other institutional employes shall be such as the Commissioner of Welfare prescribes.

Sec. 34. Subsection (3) of section 196.010, section 196.080, and sections 196.350 to 196.450, of the Kentucky Revised Statutes, are repealed.

Sec. 35. All personnel, properties, funds, records and facilities of every nature, of the Division of Hospitals and Mental Hygiene of the Department of Welfare, except such as are devoted to the operation of the state institution for the feeble-minded, hereby are transferred to the Department of Mental Health. Any appropriation, including any revolving, trust or agency fund account, made or provided for by the General Assembly for the fiscal years 1952-1953 and 1953-1954, for the administration of the Division of Hospitals and Mental Hygiene in the Department of Welfare, or for the operation of the state institutions for the mentally ill, shall be deemed to have been appropriated to the Department of Mental Health.

Sec. 36. This Act shall take effect on July 1, 1952.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to

the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majortiy of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

John Adkins, Jr.	Henry C. Hale	Harry King Lowman
J. Everett Bach	Eugene B. Hancock	Hobart Rayburn
Sidney Baer	John Head	Tipton Reed
John Rhea Banton	Farmer Helton	J. F. Robinson
Clarence J. Barnum	William K. Henry	Earl Rogers
Owen Billington	Thomas D. Hewlett	Joe Rouse
William W. Blanton	Henry R. Heyburn	Carl J. Ruh
J. C. Bradley	E. R. Hilton	Amos Runyon
Ed T. Breathitt	Ray Holbrook	Cecil Sanders
Edward O. Bridgers	William M. Horn	Clem Schroader
Thomas L. Britton	William L. Jones	Gus F. Sheehan, Jr.
Alex H. Calvert	Jennings Kearby	E. A. Spencer
Walter J. Chyle, Jr.	James W. Lambert	Mrs. Thelma Stovall
Lewis W. Combest	Paul M. Lewis	E. H. (Ted) Stumbo
Marvin A. Cornett	Harry K. Lowman	Egbert V. Taylor
R. Josh Cosby	William Maglinger	Wm. F. Threlkeld
J. C. Denney, Jr.	Shelby McCallum	J. B. Veech
C. E. Dowell	G. Lee McClain	Eulick (Mike) Walsh
James A. Dressman, Jr.	Russell L. Meadows	Wm. Thos. Wathen
Thomas R. Duncan	Tom Mobley	L. M. Weathers
R. L. Dunigan	Robert H. Moore	Morris Weintraub
Harold Edwards	Walter R. Moorman	Hicks Wells
William Engle	Fred H. Morgan	William B. Wells
Roscoe Estep	Earl F. Murphy	W. A. (Pete) Wickliffe
Herbert Fern	Thomas J. Murphy	Charles W. Wirsch
Wm. P. Friedlander	Ewin C. Neville	Walker H. Wiseman
Leslie Gay	Bart N. Peak	Garrett L. Withers
Henry J. Giles		—82

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be returned to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 115. AN ACT relating to compensation and maintenance of persons performing public services in positions requiring the services of a physician.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context clearly requires otherwise:

(1) "Physician" means a person authorized by law to practice medicine in this State.

Section 2. Notwithstanding the provisions of KRS 64.640 and 64.650, the Division of Personnel in the Department of Finance may, upon the recommendation of the hiring authority and with the approval of the Governor, establish rates of compensation and maintenance within the constitutional limit for each position requiring the services of a qualified physician in any department, agency, or other unit of State Government. Such rates shall be based upon studies of the duties and responsibilities of the positions and upon a comparison with rates being paid for similar or comparable services elsewhere.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majortiy of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Charles M. Greene	Louis T. Peniston
J. Everett Bach	Henry C. Hale	Hobart Rayburn
Sidney Baer	Eugene B. Hancock	Tipton Reed
John Rhea Banton	John Head	J. F. Robinson
Clarence J. Barnum	Farmer Helton	Earl Rogers
Owen Billington	William K. Henry	Joe Rouse
William W. Blanton	Thomas D. Hewlett	Carl J. Ruh
J. C. Bradley	Henry R. Heyburn	Amos Runyon
Ed T. Breathitt	E. R. Hilton	Cecil Sanders
Edward O. Bridgers	Ray Holbrook	Clem Schroader
Thomas L. Britton	Chester J. Holsclaw	Gus F. Sheehan, Jr.
Alex H. Calvert	William M. Horn	Mrs. Thelma Stovall
Walter J. Chyle, Jr.	Paul S. Jonas	E. H. (Ted) Stumbo
Lewis W. Combest	William L. Jones	Egbert V. Taylor
Marvin A. Cornett	Jennings Kearby	Albert Thomason
R. Josh Cosby	Paul M. Lewis	J. B. Veech
J. C. Denney, Jr.	Harry K. Lowman	Eulick (Mike) Walsh
C. E. Dowell	William Maglinger	Wm. Thos. Wathen
James A. Dressman, Jr.	Shelby McCallum	L. M. Weathers
Thomas R. Duncan	G. Lee McClain	Morris Weintraub
R. L. Dunigan	Russell L. Meadows	Hicks Wells
Harold Edwards	Tom Mobley	William B. Wells
William Engle	Walter R. Moorman	W. A. (Pete) Wickliffe
Roscoe Estep	Fred H. Morgan	Charles W. Wirsch
Herbert Fern	Thomas J. Murphy	Walker H. Wiseman
Wm. P. Friedlander	Ewin C. Neville	Garrett L. Withers
Henry J. Giles	Bart N. Peak	—80

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be returned to the Senate.

Mr. Lowman moved that S. B. 50 be taken from the Orders of the Day and placed upon its passage, said bill by its title only is as follows, viz:

S. B. 50. AN ACT relating to the licensing, inspection, and regulation of hospitals, public health centers, nursing and convalescent homes and all institutions for the care of the sick.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (Definitions) As used in this Act:

(a) "Hospital" means a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care, for more than twenty-four hours, of two or more non-related individuals suffering from illness, disease, injury, or deformity, or a place including nursing and convalescent homes and all institutions for the care of the sick, devoted primarily to providing, for more than twenty-four hours, obstetrical or other medical or nursing care for two or more non-related individuals.

(b) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(c) "Governmental unit" means the state, or any county or municipality, or a department, division, board or agency of any of the foregoing.

(d) "Licensing agency" means the State Board of Health.

Section 2. (Purpose) The purpose of this Act is to provide for the development, establishment and enforcement of minimum standards for the construction, maintenance and operation of hospitals as defined herein.

Section 3. (Application for License) An application for a license to establish, conduct, manage or operate a hospital shall be made to the licensing agency upon forms provided by it and shall contain such information as the licensing agency reasonably required, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as may be lawfully prescribed hereunder. Each application shall be accompanied by a license fee of ten dollars.

Section 4. (Issuance and Renewal of License) Upon receipt of an application for license accompanied by the license fee, the licensing agency shall issue a license, if the applicant and the hospital facilities meet the requirements established under this act. Any hospital which is in operation at the time this act becomes effective shall be licensed upon application even though it does not comply with the standards at that time. However, failure to comply with the required standards within two years thereafter shall result in the institution of an action for revocation or suspension of the license. Each license, unless sooner suspended or revoked, shall expire on June 30 following its issuance, and be renewable annually for a fee of five dollars upon filing by the licensee and approval of the licensing agency, of an annual report upon such uniform dates and containing such information in such form as the licensing agency may reasonably require. All fees collected shall be deposited in the state treasury for the use of the licensing agency in carrying out the purposes of this act. Hospitals operated by governmental units shall be exempt from the payment of fees and licensure but shall comply with all other requirements of this act. Each license shall be issued only for the premises and persons or governmental units named in the application and shall not be transferrable or assignable without the written approval of the licensing agency. Licenses shall be posted in a conspicuous place on the licensed premises.

Section 5. (Denial, Suspension or Revocation of License; Hearings and Review) The licensing agency, after notice to the applicant or licensee and after a hearing as herein provided, is authorized to deny, suspend or revoke a license in any case in which it finds that there has been a substantial failure to comply with the requirements established under

this act. Notices of hearing shall be issued in the name of the licensing agency by the secretary thereof and shall state the time and place of the hearing, which shall not be less than thirty days from service of the notice, and shall also contain a concise statement of the reason for the hearing and sufficient information to reasonably apprise the applicant or licensee of the substance of the facts claimed to constitute a violation of this act. Service of such notices may be affected in the manner prescribed by law for the service of civil process, or may be effected by any member or employee of the licensing agency personally delivering same to the applicant or licensee, or by the licensing agency forwarding same to the applicant or licensee, by United States registered mail postage prepaid at the address of the applicant or licensee as reflected by the records of the licensing agency. The hearing may be conducted by the licensing agency in person or by a hearing officer or a hearing committee appointed by the licensing agency; all members of the licensing agency, and all persons appointed by the licensing agency as hearing officer or as members, of a hearing committee are authorized to administer oaths, issue subpoenas for the attendance of witnesses and for the production of books, papers and documents, and to cite for contempt, before the circuit or quarterly court in the county in which the hearing is held, disobedience of its process or contumacious or disrespectful conduct. The applicant or licensee proceeded against shall be known as "respondent" and shall be entitled to be represented at the hearing in person or by counsel, or both, and shall be entitled to introduce testimony by witnesses or, if the licensing agency so permits, by deposition. All decisions revoking, suspending or denying licenses or applications shall be made by the licensing agency and shall be recorded in the minutes of the licensing agency, which may review any and all orders and rulings made by a hearing officer or hearing committee, and which shall consider the entire transcript of the record of hearing that shall be prepared and furnished to the licensing agency in the event the hearing is conducted by a hearing officer or hearing committee. The secretary of the licensing agency shall notify, by registered United States mail postage prepaid, the applicant or licensee of the decision of the licensing agency, which decision shall become final and

conclusive thirty days after notice thereof is given as above provided, unless the applicant or licensee, within said thirty day period, appeals to the court therefrom pursuant to section 9 of this act. The procedure governing hearings authorized by this section shall be in accordance with rules promulgated by the licensing agency with the advice and approval of the hospital council.

Section 6. (Minimum Standards)

(1) (Submission of plans for New Construction or Alterations) Before construction is begun involving an expenditure of more than fifteen thousand dollars for the construction of new buildings or additions or alterations to existing buildings or any change in facilities, for a hospital, the licensee shall submit plans to the licensing agency for approval. No system of water supply, plumbing, sewage, garbage or refuse disposal for a hospital shall be installed nor any such existing system be materially altered or extended until complete plans and specifications for the installation, alteration or extension, together with such information as may be required, have been submitted and approved by the Department of Health in accordance with the sanitary codes in existing Kentucky statutes. Hospitals shall comply with all local zoning regulations. They shall be so located as to be reasonably free from noises, smoke, foul odors or other disturbing or injurious nuisances.

(2) (Location and Communication.) Hospitals shall be served by a good road which is kept passable at all times of the year. There must be one or more telephones or other communication systems as may be needed in order to summon help promptly in case of fire or other emergencies.

(3) (Physical Plant)

(a) (Construction) The construction of the building shall be such as to provide for the safety and protection of the patients and personnel. The building shall be kept in good repair as related to the comfort and safety of its occupants. The building shall comply with the rules,

regulations, and standards of safety in accordance with existing Kentucky statutes governing fire and safety precautions. The building shall be so constructed and screened as to prevent the entrance of rats, flies, mosquitoes and other rodents and insects capable of transmitting disease. The walls, floors and ceilings shall be of such a character to permit frequent washing, cleaning or painting and the maintenance of sanitary conditions. The building shall comply with all existing local building codes.

(b) (Heating) The hospital shall be provided with a heating system, capable of maintaining a minimum temperature of 68°F. at all times in the patient areas.

(c) (Lighting) Each patient's room shall have sufficient lighting for reading and all other uses as needed. All entrances, hallways, stairways, inclines, ramps, cellars, attics, storerooms, kitchens, laundries, and service units must have sufficient lighting to prevent accidents and to promote efficiency of service. Emergency lighting facilities must be provided and distributed so as to be readily available to personnel on duty. Flashlights or battery operated lamps shall be in readiness at all times for use in the delivery and operating rooms. At no time may open flame type of lights be used in these rooms.

(d) (Ventilation.) The building shall be adequately ventilated at all times. Special attention shall be given to the ventilation of patients' quarters so as to supply fresh air and to prevent accumulation of objectionable odors. Toilets without outside window ventilation may not be used unless there is an adequate system of forced ventilation.

(e) (Elevators and Stairways) If elevators are provided they shall be maintained, checked and kept in good condition at all times. Stairways shall be provided with such handrails as may be desirable. Stairways should be of a width and design which will easily accommodate removal of a patient by stretcher and should be enclosed with a vertical cut-off at each floor level.

(4) (Sanitation.)

(a) (Housekeeping) There shall be adequate handwashing facilities throughout the institution. There shall be an adequate number of utility rooms for the cleaning of bed pans and general sanitation purposes. The institutions shall be maintained in a clean, orderly and sanitary manner. Accumulated waste material must be removed daily. There must be frequent cleaning of floors, walls, woodwork and windows. The premises must be kept free from rodent and insect infestation. Bath and toilet facilities must be maintained in a clean and sanitary condition at all times.

(b) (Water supply) The water supply must be approved by the State Department of Health. There shall be an ample supply of hot water available at all times for general use.

(c) (Sewage Disposal) Sewers shall be discharged into a municipal sewerage system where such a system is available; otherwise, the sewage shall be collected, treated and disposed of in an independent sewerage system which complies with the standards approved by the sanitary codes of the State Department of Health and city regulations.

(d) (Plumbing) All plumbing, plumbing fixtures, sterilizers and other similar equipment shall be so constructed, installed and maintained as to prevent cross connections or other sanitary hazards, as required by the standards approved by the sanitary codes of the State Department of Health and applicable city regulations. A sanitary bath, toilet and lavatory must be provided on each floor where patients are cared for.

(e) (Garbage Disposal) The garbage disposal system must be approved by the Department of Health. Adequate provision shall be made to prevent obvious odors, the spread of disease and insanitary conditions resulting from the improper handling of garbage and other refuse.

(f) (Laundry) The hospital shall make provision for the proper cleaning of linen and other washable goods with special provision for handling contaminated linen.

Hospitals maintaining and operating laundries shall provide ventilation for the elemination of steam and odors and proper insulation to prevent the transmission of noises to patient areas.

(5) (Food Handling) The hospital shall comply with the existing laws, rules and regulations governing the handling of food and food products in the State of Kentucky. The facilities shall be adequate to serve as many patients as the hospital accommodates.

(6) (Accommodations for Patients) The hospital shall provide suitable accommodations for all its patients. There shall be adequate floor space, furnishings, bed linens, and such other utensils, equipment and supplies as is reasonably required for the proper care of the patients accommodated. Proper precaution shall be taken to prevent the spread of disease. There shall be provision for the proper sterilization of all supplies, utensils and equipment and for storing them in a clean, convenient and orderly manner. An adequate system for bed patients to use in calling nurses and attendants shall be maintained.

(7) Special Facilities and Equipment)

(a) (Operating and Delivery Rooms) If there are operating and delivery rooms, they shall be provided with adequate equipment to meet the requirements of the hospital both in quality and in quantity.

(b) (Drugs) If drugs are used, an adequate supply and other medicinal agents shall be available at all times to meet the requirements of the hospital. They shall be stored in a safe manner and kept properly labeled and accessible. Narocotics and other dangerous or poisonous drugs shall be handled in a safe manner to protect against their unauthorized use. There shall be adequate refrigeration for biologicals and drugs which require refrigeration. The existing laws, rules and regulations governing drugs and poisons shall be complied with.

(c) (X-Ray Facilities) If X-ray facilities are provided in any hospital, there shall be ample space for the X-ray

equipment, film storage, view boxes and dark room equipment. Proper precautions to protect patients and hospital personnel against undue radiation shall be taken.

(d) (Laboratories) If a laboratory is provided, there shall be ample space, equipment and supplies to meet the requirements of the hospital.

(e) (Morgue) If unembalmed bodies are held for more than twenty-four hours, a proper well ventilated morgue with refrigerated compartments shall be provided.

(8) (a) (Practice of the Healing Arts Not Affected) Nothing in this act, or in the rules and regulations adopted pursuant thereto, shall be construed as applying to the practice of:

(i) Medicine

(ii) Osteopathy

(iii) Chiropractic

(iv) Healing by prayer in accordance with the creed or tenets of any well recognized church or religious denomination.

(v) Any other practice or system of the healing arts which is recognized or permitted by the laws of the state of Kentucky.

(b) Nothing in this act, or in the rules and regulations adopted pursuant thereto, shall be construed in any way to have the effect of denying a license to any hospital by reason of the type of system of practice of any of the healing arts, which are so recognized or permitted.

(9) (Records and Reports) Adequate and complete records shall be written for all patients admitted to the hospital. These records shall be filed in an orderly and accessible manner in the hospital. All orders for patients shall be written in ink or indelible pencil. Such orders shall be preserved on the patient's chart or in the established record of such orders.

(10) (Patient Care) Every reasonable effort shall be made to provide the best possible comfort and safety for the patients, and no person shall be denied care solely because of race, creed or color. Accepted principles of hospital operation shall be followed in the public interest. The reporting of all birth, death, reportable diseases and other vital statistics required under existing laws, rules and regulations shall be complied with.

(11) (Communicable Diseases) All of the existing laws, rules and regulations of the State Department of Health shall be complied with as related to the control of the spread of communicable diseases. If patients are accepted with communicable diseases, suitable isolation and quarantine facilities shall be provided. Every effort shall be made to prevent the spread of disease in the hospital and to prevent the spread of disease from patients in the hospital to persons outside the hospital. Every reasonable safeguard shall be provided for the maintaining and protection of the health of the personnel of the hospital.

(12) (Employee Health Examinations) All hospital employees shall be required to have such examinations and tests as may be necessary to determine their freedom from communicable disease which might endanger the health of the patients or other employees. The examinations shall be repeated at such intervals as may be required by the licensing agency with the advice and approval of the Hospital Council. The provisions of this section shall not apply to employees in nursing homes conducted solely for those who seek healing in accordance with the religious tenets of an established church.

Section 7. (Hospital Council) (1) The Governor shall appoint a Hospital Council consisting of ten members as herein provided:

(a) Five physicians who are duly licensed and who are in active practice, one of whom shall be the State Health Commissioner by virtue of his office who shall serve as Chairman of the Hospital Council. The appointments shall be made from

a list of three nominees for each vacancy submitted by the Kentucky State Medical Association.

(b) Five Hospital Administrators who are actively engaged in the field of hospital administration. The appointments shall be made from a list of three nominees for each vacancy submitted by the Kentucky State Hospital Association.

(2) All members shall serve for a term of three years except that the original appointments shall be made so that the terms of three members are for one year, three for two years, and four for three years. Members whose terms expire shall hold office until the appointment of their successors. In the event of a vacancy occurring before the expiration of a member's term, the appointment shall be for the unexpired term.

(3) The Council shall meet at least once each year and shall meet additionally upon the call of the chairman or at the request of any four members. Members of the Hospital Council shall serve without compensation but shall be reimbursed for necessary travel and subsistence expense incurred in performance of their duties.

(4) The function of the Hospital Council shall be to approve all rules and regulations established by the licensing agency, to act in an advisory capacity to the licensing agency with respect to hospitals and the administration and enforcement of this act, and to make available to the licensing agency information, data and material in its possession together with its views, suggestions and recommendations, on various matters from time to time.

Section 8. (Functions of the Licensing Agency) Subject to approval by the Hospital Council, the licensing agency is empowered to establish standards and requirements not in conflict with the provisions of this act which it deems necessary to properly protect the public, and to promulgate rules and regulations for the administration and enforcement of this act and the standards and requirements established as aforesaid. The licensing agency is empowered to employ such clerks, inspectors and other personnel as it considers necessary to properly administer and enforce this Act. The licensing agency

shall, through its authorized agent or agents, have full and free access to the required records, grounds, and buildings of every institution licensed or who has applied for license under this act.

Section 9. (Judicial Review) Any applicant or licensee, or any department of the state government acting by the Attorney General, or any county acting by its fiscal court, aggrieved by a decision of the Licensing Agency made in accordance with section 5 of this act may, within thirty days after the mailing of notice of the decision, as provided in Section 5, prosecute an appeal therefrom to the Jefferson County Circuit Court by filing with the Clerk of said court a complete transcript of record of the hearing and executing a bond to cover all costs that may be assessed against the appellant and by causing to be served upon the secretary of the licensing agency a notice of appeal. All such appeals to be assigned to the Chancery Branch of the Jefferson County Circuit Court and considered by a chancellor thereof who shall review the record of hearing and render a decision based on said record. Any party aggrieved by the decision of the Jefferson County Circuit Court may appeal to the Court of Appeals of Kentucky in the manner and within the time now provided for the appeal of cases to it under the Declaratory Judgment Act.

Section 10. No person shall operate or conduct a hospital without having a license under this act. Hospitals operated by governmental units shall be exempt from the payments of fees and licensure, but shall comply with all other provisions of this act. Hospitals operated by the Federal Government on land under the jurisdiction of the Federal Government are excepted.

Section 11. (Penalties.) The establishing, conducting, managing, or operating of any hospital without a license required under this law shall be punishable by a fine of not less than one hundred dollars nor more than five hundred dollars for the first offense and by a fine of not less than five hundred dollars nor more than one thousand dollars for each subsequent offense. Each day of violation of any of the provisions of this act shall be considered a separate offense.

Section 12. (Injunction) Notwithstanding the existence or pursuit of any other remedy (civil or criminal), the licensing agency may maintain in its own name an action to restrain or enjoin any violation of this act.

Section 13. (Appropriation) There is hereby appropriated to the State Board of Health, out of the general expenditure fund in the state treasury, the sum of twenty thousand dollars for each of the fiscal years 1952-53 and 1953-54, which appropriation shall be in addition to any other appropriations made to the State Board of Health or the Department of Health.

Section 14. (Effective Date) This act shall become effective on July 1, 1952.

Mr. Lowman, of the Committee to which said bill had been referred, offered the following amendment, viz:

Amendment No. 1. AMEND printed copy of S. B. No. 50 on page 12, section 6, line 198 and 199, by striking therefrom the words: "and no person shall be denied care solely because of race, creed or color." and substituting in lieu thereof the words: "and no person shall be denied emergency care solely because of race, creed or color."

Said motion was agreed to.

Said amendment was adopted.

Mr. Lowman moved the Previous Question.

Two members, Mr. Lowman and Calvert, having requested a roll call, which was granted, said roll call is as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Alex H. Calvert	Leslie Gay
J. Everett Bach	Marvin A. Cornett	Henry J. Giles
Sidney Baer	R. Josh Cosby	Charles M. Greene
John Rhea Banton	C. E. Dowell	Henry C. Hale
Clarence J. Barnum	Harold Edwards	Eugene B. Hancock
Owen Billington	William Engle	John Head
Ed T. Breathitt	Herbert Fern	Farmer Helton
Edward O. Bridgers	Wm. P. Friedlander	Thomas D. Hewlett

Henry R. Heyburn	Walter R. Moorman	E. A. Spencer
Chester J. Holsclaw	Earl F. Murphy	Egbert V. Taylor
William M. Horn	Thomas J. Murphy	Wm. F. Threlkeld
Paul M. Lewis	Ewin C. Neville	J. B. Veech
Harry K. Lowman	Bart N. Peak	Wm. Thos. Wathen
William Maglinger	Louis T. Peniston	L. M. Weathers
Shelby McCallum	Hobart Rayburn	Hicks Wells
G. Lee McClain	J. F. Robinson	William B. Wells
Russell L. Meadows	Joe Rouse	W.A.(Pete)Wickliffe
Tom Mobley	Amos Runyon	Walker H. Wiseman
Robert H. Moore	Cecil Sanders	Garrett L. Withers

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Those who voted in the negative were—

Lewis W. Combest	Ray Holbrook	John A. Sloan
Thomas R. Duncan	William L. Jones	Mrs. Thelma Stovall
R. L. Dunigan	Jennings Kearby	Albert Thomason
Roscoe Estep	Fred H. Morgan	Morris Weintraub
William K. Henry	Clem Schroader	Charles W. Wirsch
E. R. Hilton	Gus F. Sheehan, Jr.	

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Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Ordered that said bill be engrossed and read at length for the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Sidney Baer	Clarence J. Barnum
J. Everett Bach	John Rhea Banton	Owen Billington

William W. Blanton	George F. Harris	Bart N. Peak
J. C. Bradley	John Head	Louis T. Peniston
Ed T. Breathitt	Farmer Helton	Hobart Rayburn
Edward O. Bridgers	William K. Henry	J. F. Robinson
Thomas L. Britton	Thomas D. Hewlett	Earl Rogers
Alex H. Calvert	Henry R. Heyburn	Joe Rouse
Walter J. Chyle, Jr.	E. R. Hilton	Carl J. Ruh
Marvin A. Cornett	Chester J. Holsclaw	Amos Runyon
R. Josh Cosby	William M. Horn	Cecil Sanders
J. C. Denney, Jr.	Paul S. Jonas	Clem Schroader
C. E. Dowell	Paul M. Lewis	Mrs. Thelma Stovall
James A. Dressman, Jr.	Harry K. Lowman	Egbert V. Taylor
Thomas R. Duncan	William Maglinger	Albert Thomason
R. L. Dunigan	Shelby McCallum	Wm. F. Threlkeld
Harold Edwards	G. Lee McClain	J. B. Veech
William Engle	Russell L. Meadows	Wm. Thos. Wathen
Herbert Fern	Tom Mobley	L. M. Weathers
Wm. P. Friedlander	Robert H. Moore	Hicks Wells
Leslie Gay	Walter R. Moorman	William B. Wells
Henry J. Giles	Fred H. Morgan	W. A. (Pete) Wickliffe
Charles M. Greene	Earl F. Murphy	Walker H. Wiseman
Henry C. Hale	Thomas J. Murphy	Garrett L. Withers
Eugene B. Hancock	Ewin C. Neville	—74

Those who voted in the negative were—

Lewis W. Combest	Jennings Kearby	John A. Sloan
Roscoe Estep	James W. Lambert	E. A. Spencer
Ray Holbrook	Gus F. Sheehan, Jr.	Charles W. Wirsch
William L. Jones		—10

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be returned to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 144. AN ACT relating to public health.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 211.060 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Health shall hold meetings at least semiannually, and more frequently and at such places and times as the board may determine. A majority of the members shall constitute a quorum. The board shall elect a president from among its members, and may adopt rules and by-laws for its government. Any and all members of the board may administer oaths in matters pertaining to official duties of the board.

Section 2. Section 211.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) The president of the State Board of Health shall receive an annual salary to be fixed by the board.

(2) Each member of the State Board of Health, other than the president, shall receive twenty dollars per day for each day in attendance at meetings of the board.

(3) Each member of the board, including the president, shall be entitled to reimbursement for all expenses for travel, lodging and subsistence incurred in connection with attendance at meetings of the board.

(4) The board may designate any of its members, representatives or agents to perform special duties that may be prescribed by the board from time to time, and may allow reasonable compensation therefor and make reimbursement for expense for necessary travel, lodging and subsistence incurred in connection therewith.

Section 3. Section 212.120 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Upon the creation of a county or district health department, the fiscal court of the county or counties shall at once notify the State Board of Health of the action of the county or counties to create, establish and maintain a county or district

health department. When the duly qualified officials of a county or district certify to the State Board of Health a true copy of the order or vote establishing a health department and providing for its maintenance, and state the amount of the annual appropriation provided by the county or district, the State Board of Health shall make an investigation as to the necessity of the development of the department, and the adequacy of the appropriation provided by the county or district therefor, and shall report it findings to the Governor.

(2) If the State Board of Health finds that such county or district health department has been established in accordance with the provisions of this chapter and is being maintained, conducted and operated in accordance with the standards prescribed by the State Board of Health, the State Board of Health shall, on or before July 1 in each year, allot to each such county or district health department such amount that the State Board of Health deems to constitute a just and equitable share of all funds available therefor by appropriation by the General Assembly of this Commonwealth, by grants and gifts received by this Commonwealth from the government of the United States of America or any of its agencies or instrumentalities, and from other sources. Provided, however, that no allotment to any such county or district health department shall be less than two thousand five hundred dollars.

(3) In determining the allotments referred to in subsection (2) of this section, the State Board of Health shall endeavor to provide for a distribution of the funds in a manner that is reasonably calculated to equalize, so far as practicable, local health services to the people of all counties served by county and district health departments. The State Board of Health may take into consideration variations existing between counties and districts by reasons of differences in population, resources, industrialization, tax assessments and tax rates, and other local factors

and conditions; the legislative intent being hereby declared to be that counties shall provide, from local sources of revenue that are available or that may be made available to them, financial support of county and district health departments to the extent of their respective abilities within the limitations of KRS 212.150.

(4) The State Board of Health may, in its discretion, alter or modify allotments from time to time and shall cancel any allotment whenever it finds that there is no further need or necessity for a particular county or district health department for whose benefit the allotment was made, or whenever a particular county or district health department for whose benefit an allotment was made is not maintained, operated and conducted in accordance with the standards prescribed by the State Board of Health. Nothing in this section shall be construed as requiring the State Board of Health to allot all funds available for local health purposes, or as prohibiting the board from alloting such portion thereof, as the board may determine, to a reserve account which may be sub-allotted by the board in such manner that it considers proper in the event of emergencies, disaster, or unforseen events, without regard to the provisions of subsection (3) of this section.

(5) Notwithstanding the provisions of KRS 45.230 and any other provisions of the Kentucky Revised Statutes, any unexpended or unencumbered balance of any appropriations made available for allotment and expenditure, as provided above, for the first fiscal year of each biennium, remaining at the end of such fiscal year, shall be carried forward and be available for expenditure at any time during the ensuing fiscal year within the biennium and no portion thereof shall lapse to the General Fund.

Section 4. Section 212.150 of the Kentucky Revised Statutes is amended to read as follows:

Except as provided in KRS 212.470 and 212.650, the total amount appropriated annually by any fiscal court for a county

or district health department, shall not exceed one mill for each one dollar of assessed valuation of property for taxation in the county.

Section 5. Subsection (3) of Section 212.170 of the Kentucky Revised Statutes is amended to read as follows:

(3) (a) The county board of health of each county having a county department of health shall, at the meeting of the board called for the purpose of organizing the county department of health, and every four years thereafter, elect a health officer for a term of four years, or a county health administrator as hereinafter provided in this subsection. A majority of the members of the board shall constitute a quorum for this purpose. The health officer may at any time be removed for cause made known to him in writing after a hearing by the county board of health, at which he may be represented by counsel; in case of his dismissal he may appeal to the State Board of Health, which may confirm or reject the action of the county board of health, in which case its action is final unless set aside by action in a court of competent jurisdiction.

(b) If there are no qualified applicants for the position of health officer, the county board of health may, with the approval of the State Board of Health, appoint a health administrator, having the qualifications provided in KRS 212.180, who shall hold office at the pleasure of the county board of health, and who shall act as administrator of such health department and perform such other duties as may be prescribed by the county board of health.

Section 6. Section 212.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every health officer provided for by this chapter shall be a physician duly licensed by the State Board of Health, and

shall possess such other qualifications that are prescribed by the State Board of Health.

(2) Every health administrator referred to in subsection (3) of KRS 212.170 shall possess such education, training, experience and other qualifications that are prescribed by the State Board of Health, and need not be a physician.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	William W. Blanton	Walter J. Chyle, Jr.
J. Everett Bach	J. C. Bradley	Lewis W. Combest
Sidney Baer	Ed T. Breathitt	Marvin A. Cornett
John Rhea Banton	Edward O. Bridgers	R. Josh Cosby
Clarence J. Barnum	Alex H. Calvert	J. C. Denney, Jr.

Thomas R. Duncan	Paul S. Jonas	J. F. Robinson
Harold Edwards	William L. Jones	Joe Rouse
William Engle	Jennings Kearby	Carl J. Ruh
Herbert Fern	Paul M. Lewis	Amos Runyon
Wm. P. Friedlander	Harry K. Lowman	Cecil Sanders
Henry J. Giles	Shelby McCallum	Clem Schroader
Charles M. Greene	G. Lee McClain	Gus F. Sheehan, Jr.
Eugene B. Hancock	Russell L. Meadows	Albert Thomason
George F. Harris	Tom Mobley	J. B. Veech
John Head	Robert H. Moore	Eulick (Mike) Walsh
Farmer Helton	Walter R. Moorman	Wm. Thos. Wathen
William K. Henry	Fred H. Morgan	Hicks Wells
Thomas D. Hewlett	Earl F. Murphy	William B. Wells
Henry R. Heyburn	Thomas J. Murphy	W.A.(Pete)Wickliffe
E. R. Hilton	Ewin C. Neville	Walker H. Wiseman
Chester J. Holsclaw	Bart N. Peak	Garrett L. Withers
William M. Horn	Louis T. Peniston	—65

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 138. AN ACT relating to the condemnation of property for construction, reconstruction, and maintenance of highways and bridges and facilities related thereto, and repealing KRS 177.075.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Commonwealth of Kentucky, Department of Highways, when it has, by Official Order, designated the route, location or relocation of a highway, limited access highway, bridge, roadside park, borrow pit, quarry, garage or other property or structure deemed necessary for the construction, re-

construction, or maintenance of an adequate system of highways, may, if unable to contract or agree with the owner or owners thereof, condemn the lands or material, or the use and occupancy of the lands designated as necessary. All property acquired under the provisions of this Act shall be in fee simple whenever so specified in the petition filed in the action. The Official Order of the Department of Highways shall be conclusive of the public use of the condemned property and the condemnor's decision as to the necessity for taking the property will not be disturbed in the absence of fraud, bad faith, or abuse of discretion.

The provisions of this Act shall apply whether cost of property condemned is borne by Commonwealth of Kentucky, Department of Highways, or any county or municipality thereof.

The proceedings for condemnation shall be as provided in this Act.

Section 2. The Commonwealth of Kentucky, Department of Highways, when seeking to condemn lands and material and the use and occupancy of lands, under the provisions of Section 1 of this Act, shall direct the County Attorney or any attorney authorized to represent the Commonwealth to file a petition in the office of the County Court Clerk in the county in which all or the greater portion of the land or material is located. If any authorized attorney, other than the County Attorney, is directed to file the petition, the County Attorney shall assist in the prosecution of the action. The petition shall be filed in the name of the Commonwealth of Kentucky, Department of Highways and may join as plaintiff the county in which any part of the property is situated, or in which the petition is filed, or any municipality thereof. It shall state that it is filed under the provisions of this Act and shall contain, in substance:

(1) Allegations sufficient to show that the petitioner is entitled, under the provisions of Section 1 of this Act, to condemn the lands and material and the use and occupancy of the lands in question;

(2) A particular description of the land, the use and occupancy thereof, and the material sought to be condemned;

(3) An application to the County Court to appoint Commissioners to award the amount of compensation the owner thereof is entitled to receive therefor.

Section 3. The County Court shall appoint as Commissioners three impartial housekeepers who are owners of land. They shall be sworn to faithfully and impartially discharge their duties under this Section. The Commissioners shall view the land or material sought to be condemned and they may hear evidence or make any inquiry they desire touching the value thereof and award to the owner or owners the value of the property taken. They shall also award any damages resulting to the adjacent lands of the owner or owners considering the purpose for which it is taken, but shall deduct from such damages the value of the advantages and profits that will accrue to the adjacent lands from the construction and prudent maintenance of the proposed project. They shall return a written report to the office of the Clerk of the County Court describing the property sought to be condemned stating separately each item of damage. They shall be allowed a reasonable fee which shall be taxed as cost.

Section 4. Upon the application of the petitioner, and the filing of any necessary affidavits, the Clerk of the Court shall issue process against the owner to show cause why the petitioner does not have the right to condemn the lands, or the use and occupation thereof, and material sought to be condemned. The summons shall contain a statement of the amount of the award. The Clerk shall make such orders as to nonresidents and persons under disability as are required by the Civil Code in actions against them in Circuit Court.

Section 5. Any answer or other pleading filed by the owner or owners in response to the summons shall be filed on or before the first day of the first regular term of the County Court after the owner or owners have been summoned the time prescribed by the Civil Code, and shall be confined solely to the question of the right of the petitioner to condemn the property sought to be condemned, but without prejudice to the owner's right to appeal from the amount of the compensation

awarded in the manner provided in Subsection (1) of Section 7 of this Act.

Section 6.

(1) At the first regular term of the County Court after the owner has been summoned the length of time prescribed by the Civil Code before an answer is required, the Court shall examine the report of the Commissioners to determine whether it conforms to the provisions of Section 3 of this Act. If the report of the Commissioners is not in the proper form the Court shall require the Commissioners to make such corrections as are necessary.

(2) If no answer or other pleading is filed by the owner or owners putting in issue the right of the petitioner to condemn the lands or the use and occupation thereof and the material sought to be condemned, the Court shall enter a judgment which shall contain, in substance:

(a) A finding that the petitioner has the right, under the provisions of Section 1 of this Act, to condemn the lands or the use and occupation thereof and material;

(b) A finding that the report of the Commissioners conforms to the provisions of Section 3 of this Act;

(c) An authorization to take possession of lands and materials for the purposes and under the conditions and limitations, if any, set forth in the petition, upon payment of all costs and the payment to the owner, or to the Clerk of the Court, the amount of the compensation awarded by the Commissioners;

(d) Proper provision for the conveyance of the title to the land and material, to the extent condemned, as adjudged therein, in the event no appeal is taken as provided in Subsection (1) of Section 7 of this Act.

Any appeal from such judgment by either party or both parties shall be confined solely to exceptions to the amount of compensation awarded by the Commissioners.

(3) If the owner has filed answer or pleading putting in issue the right of the petitioner to condemn the lands or use and

occupation thereof and the material sought to be condemned, the Court shall, without intervention of jury, proceed to hear and determine whether or not the petitioner has such right. If the Court determines that petitioner has such right, judgment, as provided for in Subsection 2 of this Section, shall be entered. If the Court determines that petitioner does not have such right, it shall enter a judgment which shall contain, in substance:

(a) A finding that the report of the Commissioners conforms to Section 3 of this Act;

(b) A finding that the petitioner is not authorized to condemn the lands or the use and occupation thereof and the material for the purposes and under the conditions and limitations set forth in the petition, stating the particular ground or grounds on which the petitioner is not so authorized;

(c) An order dismissing the petition and directing the petitioner to pay all costs.

Section 7.

(1) Within 30 days from the date of a judgment authorizing the petitioner to take possession of the land and/or material, an appeal may be taken to the Circuit Court by either or both parties by filing with the Clerk of the Circuit Court a certified copy of the judgment, a statement of the parties to the appeal, and any exceptions the appellant has to the award made by the Commissioner. No transcript shall be required to be filed by the appellant of other parts of the record, but when an appeal is filed with the Clerk of the Circuit Court shall certify that fact to the Clerk of the County Court and the latter immediately shall transfer the original papers to the Clerk of the Circuit Court. The statement of grounds of appeal of either party may be amended as provided in the Civil Code for the amendment of a pleading. The appeal shall be tried de novo, but shall be limited to the questions which are raised in the original exceptions or statement of the grounds of appeal, or as amended. Provided, however, that in any case where the road, bridge, or other structure has not been completed by the time the action ordinarily would stand for trial on appeal, either party may file an affidavit stating that fact, and the case shall

not stand for trial until such project is completed, but no trial shall be delayed for this reason beyond one year from the date of filing said affidavit. All questions of fact pertaining to the amount of compensation to the owner or owners shall be determined by jury, which jury on the application of either party, shall be sent by the Court, in the charge of the Sheriff, to view the land and material. Upon an appeal to the Circuit Court and after a jury trial therein, and if possession of the land and material condemned has not previously been taken by the condemnor, it may do so upon payment to the owners, or to the Clerk of the Circuit Court, the amount of the compensation adjudged by the Circuit Court to be due the owners and by paying all costs of the action.

(2) Within 30 days from the date of a judgment dismissing a petition, an appeal may be taken to the Circuit Court by the petitioner by filing with the Clerk of the Circuit Court a statement of the parties to the appeal and a certified copy of the judgment. No transcript shall be required to be filed by the appellant of other parts of the record, but when an appeal is filed the Clerk of the Circuit Court shall certify that fact to the Clerk of the County Court and the latter immediately shall transfer the original papers to the Clerk of the Circuit Court. Upon reasonable notice to the owner, such an appeal shall be tried at the earliest convenience of the Court without the intervention of a jury, at any regular or special term or by the Judge in vacation. At such trial, either party may present evidence relating to the right of the petitioner to condemn the land and material sought to be condemned. If the Judge of the Circuit Court finds that the petitioner has the right to condemn said property, the case shall not be remanded but the Judge or Court shall enter an order setting forth his findings and authorizing the petitioner to take possession of the lands and materials for the purposes and under the conditions and limitations set forth in the petition upon the payment to the owner, or to the Clerk of the Circuit Court, the amount of compensation awarded by the Commissioners in their report to the County Court. Within 30 days from the date of the order of the Circuit Court authorizing the petitioner to take such possession, either party may file exceptions to the award of the Commissioners. If no exceptions

to the award are filed, the Court, on motion of the condemnor, shall enter a final judgment in the case. If either party files exceptions pertaining to the amount of the award, the issues of fact shall be tried by a jury in the Circuit Court as though on appeal from a judgment of the County Court, as provided in Subsection (1) of Section 7 of this Act.

(3) Appeals may be taken to the Court of Appeals from the final judgment of the Circuit Court as in other cases except that an appeal by the owner shall not operate as a supersedeas.

(4) The payment by the condemnor of the amount of compensation awarded and the taking possession of the lands and material condemned shall not prejudice its right to appeal from the judgment of any court, nor shall the acceptance by the owner of the amount of the compensation awarded prejudice his right to appeal from the judgment of any court.

(5) If the condemnor takes possession of the land and material condemned and the amount of compensation is thereafter increased upon an appeal, the condemnor shall pay interest to the owner at the rate of six percent (6%) per annum upon the amount of such increase from the date the condemnor took possession of the land and material. If the condemnor takes possession of the land and material condemned and the amount of compensation is thereafter decreased upon an appeal, the condemnor shall be entitled to a personal judgment against the owner for the amount of the decrease plus interest at the rate of six percent (6%) per annum from the date the owner accepted the amount of compensation the condemnor paid into Court or to the owner. If the owner at all times refuses to accept the payment tendered by the condemnor, no interest shall be allowed in the judgment against the owner for the amount of the decrease.

(6) Upon the final determination of an appeal, the Circuit Court shall make such orders as may be proper for the conveyance of the title, to the extent condemned, to the land and material.

Section 8. All money paid into Court or paid or transferred to the Clerk of a Court under the provisions of this Act shall be received by the Clerk of the Court and held subject to the order

of the Court, for which the Clerk and his sureties on his official bond shall be responsible to the persons entitled thereto.

Section 9. Where there are conflicting claimants to the land sought to be condemned and all such parties are before the Court, each claimant, for the purposes of the condemnation proceeding only, shall be deemed to be an owner, and the procedure for the condemnation of the land shall be as provided in this Act except that, before the condemnor shall be entitled to take possession of the land, it shall be required to pay the compensation awarded therein to a receiver appointed by the Court or to the Master Commissioner of the Circuit Court, to be held for the benefit of, and paid over to such persons as may thereafter be determined to be entitled to receive it. In such cases, the claimants may have their rights determined in a separate action, but the filing of such action or its pendency shall in no wise stay or delay said condemnation proceedings.

Section 10. All proceedings under this Act shall be governed by the provisions of the Civil Code of Practice except where the provisions of this Act specifically or by necessary implication provide otherwise.

Section 11. KRS 177.075 is hereby repealed.

Mr. Baer moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Farmer Helton	Bart N. Peak
J. Everett Bach	William K. Henry	Louis T. Peniston
Sidney Baer	Thomas D. Hewlett	Tipton Reed
John Rhea Banton	Henry R. Heyburn	J. F. Robinson
Clarence J. Barnum	E. R. Hilton	Earl Rogers
Owen Billington	Ray Holbrook	Joe Rouse
Ed T. Breathitt	Chester J. Holsclaw	Carl J. Ruh
Alex H. Calvert	William M. Horn	Amos Runyon
Walter J. Chyle, Jr.	Jennings Kearby	Cecil Sanders
Lewis W. Combest	James W. Lambert	Gus F. Sheehan, Jr.
Marvin A. Cornett	Paul M. Lewis	Mrs. Thelma Stovall
R. Josh Cosby	Harry King Lowman	Albert Thomason
J. C. Denney, Jr.	Shelby McCallum	Wm. F. Threlkeld
James A. Dressman, Jr.	G. Lee McClain	J. B. Veech
Harold Edwards	Russell L. Meadows	Eulick (Mike) Walsh
William Engle	Tom Mobley	Wm. Thos. Wathen
Herbert Fern	Robert H. Moore	L. M. Weathers
Wm. P. Friedlander	Walter R. Moorman	Hicks Wells
Henry J. Giles	Fred H. Morgan	William B. Wells
Eugene B. Hancock	Earl F. Murphy	Walker H. Wiseman
George F. Harris	Thomas J. Murphy	Garrett L. Withers
John Head	Ewin C. Neville	—65

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be returned to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 60. AN ACT relating to the licensing of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Owners of motor vehicles who are residents of this state and who hold an unrevoked and unexpired official amateur radio station license issued by the Federal Communications Commission, upon application each licensing year, accompanied by proof of ownership of such amateur radio station license, and upon complying with all other laws of this state relating to registration and licensing of motor vehicles, and upon the payment of an additional license fee of one dollars, shall be issued an additional license plate upon which shall be inscribed, in lieu of the usual number, the official amateur radio call letters of such applicant as assigned by the Federal Communiactions Commission, and the year for which the plate is issued. Any person purchasing a license plate under the provisions of this Act shall be authorized to attach both plates to the vehicle with the plate bearing the radio call letters being the outside or covering plate. Upon the sale or transfer of any vehicle bearing such plates, the owner may remove and retain the cover plate for use on any other motor vehicle.

Section 2. For services performed, the county clerk shall receive from each applicant, in addition to the regular registration fee, the sum of fifty cents for each registration under this Act.

Mr. Ruh moved that the Committee Substitute for H. B. 60 be adopted, said substitute is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Owners of motor vehicles who are residents of this state and who hold an unrevoked and unexpired official amateur radio station license issued by the Federal Communications Commission, upon application each licensing year, accompanied by proof of ownership of such amateur radio station license, and upon complying with all others laws of this state relating to the registration and licensing of motor vehicles, and upon the payment of an additional license fee of one dollar, shall be issued, within ninety days after such application, an

additional license plate upon which shall be inscribed, in lieu of the usual number, the official amateur radio call letters of such applicant as assigned by the Federal Communications Commission, and the year for which the plate is issued. An application for such special license shall in no way interfere with the regular registration of the vehicle. Any person purchasing a license plate under the provisions of this act shall be authorized to leave the original plate in the cutody of the county clerk and attach the plate bearing the radio call letters on the vehicle so licensed. Upon the sale or transfer of such vehicle bearing such special plate the owner shall remove same and obtain from the custody of the county clerk the original plate and attach it to the vehicle to be sold or transferred. Said special plate may be presented to the county clerk and he shall re-issue same for use on any other vehicle owned by such radio station licensee.

Section 2. For services performed, the county clerk shall receive from each applicant, in addition to the regular registration fee, the sum of fifty cents for each registration under this Act. A like amount shall be charged for the re-issuance of such special license plate after the sale or transfer of the vehicle to which it was originally attached.

Said motion was agreed to.

Said substitute was adopted.

Mr. Ruh moved the Previous Question on H. B. 60 as amended by substitute.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third

reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

John Adkins, Jr.	Eugene B. Hancock	Ewin C. Neville
J. Everett Bach	George F. Harris	Bart N. Peak
Sidney Baer	John Head	Louis T. Peniston
John Rhea Banton	William K. Henry	Tipton Reed
Clarence J. Barnum	Thomas D. Hewlett	J. F. Robinson
Owen Billington	Henry R. Heyburn	Carl J. Ruh
Ed T. Breathitt	E. R. Hilton	Amos Runyon
Edward O. Bridgers	Ray Holbrook	Cecil Sanders
Walter J. Chyle, Jr.	Chester J. Holsclaw	Gus F. Sheehan, Jr.
Lewis W. Combest	William M. Horn	Thelma L. Stovall
Marvin A. Cornett	Paul S. Jonas	Albert Thomason
R. Josh Cosby	Jennings Kearby	Wm. F. Threlkeld
J. C. Denney, Jr.	Paul M. Lewis	Eulick (Mike) Walsh
J. A. Dressman, Jr.	Harry King Lowman	Wm. Thos. Wathen
Thomas R. Duncan	Shelby McCallum	L. M. Weathers
R. L. Dunigan	G. Lee McClain	Morris Weintraub
Harold Edwards	Russell L. Meadows	Hicks Wells
William Engle	Tom Mobley	William B. Wells
Wm. P. Friedlander	Walter R. Moorman	W.A.(Pete)Wickliffe
Leslie Gay	Fred H. Morgan	Walker H. Wiseman
Henry J. Giles	Earl F. Murphy	Garrett L. Withers
Charles M. Greene	Thomas J. Murphy	—65

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Heyburn moved that the rules be suspended for the purpose of making a motion pertaining to H. B. No. 176.

Said motion was disagreed to.

Mr. Lowman moved that the rules be suspended for the purpose of introducing bills.

Said motion was agreed to.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Mr. Wirsch.

H. B. 394. AN ACT changing the classification of the City of Highland Heights, in Campbell County.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Highland Heights, in Campbell County, is transferred from the sixth to the fifth class of cities.

Said bill was ordered printed and referred.

By Mr. Horn.

H. B. 395. AN ACT relating to the excise tax on alcoholic beverages.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 243.740 of the Kentucky Revised Statutes is amended to read as follows:

(1) The person who pays the tax imposed by KRS 243.720 on any alcoholic beverage shall evidence the payment by the purchase and affixing of stamps issued by the Department. He shall place these stamps upon each retail container in such a manner as the Department prescribes.

(2) The wholesaler who purchases or otherwise acquires title to any alcoholic beverage made taxable by KRS 243.720 shall within twenty-four hours from the time he acquires possession of the alcoholic beverages, affix or cause to be affixed the stamps required by subsection (1), but if a wholesaler in pur-

chasing or otherwise acquiring title to the alcoholic beverage resells or otherwise disposes of it without ever having actual possession of the alcoholic beverage he shall affix the stamps or cause them to be affixed before delivery of the alcoholic beverage is made to the purchaser or donee.

(3) Except as provided in KRS 243.780, the wholesaler who imports any alcoholic beverage in any retail container for eventual retail sale or distribution by gift or retail sale in this state shall pay the tax imposed by KRS 243.720 and affix the stamps upon the alcoholic beverage before it is sold or offered for sale or distribution by gift or sale. The tax shall be paid and the stamps shall be affixed within twenty-four hours after receipt of the alcoholic beverage by the importer.

(4) In the case of malt beverages, the commissioner may order that persons selling to retailers affix the stamps to invoices. Malt beverage retailers shall keep all such stamped invoices for two years, for examination by the Department.

(5) In lieu of the affixture of stamps or crows as the means of payment or evidencing payment of any of the taxes imposed by KRS 243.720, the Department of Revenue may prescribe, by rules and regulations designed reasonably to protect the revenue of the Commonwealth, a method of reporting, paying, and collecting such tax on any alcoholic beverage without the use of stamps or crowns. If the Department prescribes a method other than the affixture to containers of any alcoholic beverage of stamps, crowns, or other visible evidence of the payment of such tax, the tax imposed upon such alcoholic beverage by KRS 243.720 shall be paid on or before the 15th day of the calendar month next succeeding the month in which the wholesaler acquires posession or title of such alcoholic beverage made taxable by KRS 243.720; and the reporting and payment thereof within the time prescribed by this subsection and in the manner prescribed by the Department of Revenue shall constitute a compliance with the provisions of KRS 243.740, 243.760, 243.770, 243.780, 243.820 and 243.840 relating to stamps or the affixture thereof.

Section 2. Section 243.730 of the Kentucky Revised Statutes is amended to read as follows:

Wholesalers of distilled spirits and wine may deduct from the amount of the tax collected under KRS 243.720 to 243.860 three per cent of the amount to cover expenses incident to the reporting and remitting of these taxes. This deduction shall be authorized only if the Department is satisfied that the wholesaler is keeping proper records and makes reports at the time and in the manner prescribed by the Department.

Said bill was ordered printed and referred.

By Mr. Weathers.

H. B. 396. AN ACT relating to the establishment of loading and unloading sites for school busses.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) As used in this Act, "highway" means every way or place open to use of the public, as a matter of right, for purposes of vehicular traffic.

(2) The Department of State Police shall, on all highways traveled by busses transporting children to and from the common schools of this state, select and establish sites where school busses may stop and load and unload. Such sites shall be selected on the basis of safety to the children and to other traffic on the highways and not on the basis of convenience to the children or other persons.

(3) After the bus stop sites are selected and established by the Department of State Police and upon notice of the locations, the Department of Highways shall put up proper signs designating each location as a "SCHOOL BUS STOP", and shall erect thereon adequate shelter houses where necessary.

(4) After the provisions of subsections (2) and (3) have been complied with, no driver of a school bus shall stop at any place on a highway other than a designated stopping site for the purpose of loading or unloading children, nor shall any school official, teacher or other persons having supervision of such driver order him to stop at any other place for such purpose.

(5) Any person violating the provisions of subsection (4) shall be fined not less than twenty dollars nor more than one hundred dollars.

Said bill was ordered printed and referred.

By Mr. McClain.

H. B. 397. AN ACT increasing the excise tax on wine.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (2) of section 243.720 of the Kentucky Revised Statutes is amended to read as follows:

(2) There is levied upon the use, sale or distribution by sale or gift of wine, a tax of fifty cents on each gallon of wine, and a proportional rate per gallon on the wine used, sold or distributed in any container of more or less than one gallon, but in no event shall the tax be less than four cents on the sale or distribution of any retail contailer of wine.

Said bill was ordered printed and referred.

By Mr. Hewlett.

H. B. 398. AN ACT relating to Workmen's Compensation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Whenever an employe receives a personal injury which is or may be compensated under the Workmen's Compensation Law and said employe is examined or treated for such injury by a doctor or physician under the provisions of KRS 342.020 the employer shall cause to be furnished to the employe and to the board immediately following said examination or treatment a copy of the report of the doctor or physician showing in detail the nature and condition and effect of the employe's injury. Upon any future examination or examinations by a doctor or physician the employer shall cause to be furnished to the

employe and to the board immediately following such examination copies of the reports thereof containing the information mentioned above.

If the employee should be examined or treated by any doctor of his own choosing the employe shall, immediately following said examination, cause a copy of the report thereof containing the information mentioned above to be furnished to his employer and to the board.

Said bill was ordered printed and referred.

By Mr. Hewlett.

H. B. 399. AN ACT relating to appeals in criminal cases.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 362 of Carroll's Kentucky Criminal Code of Practice is amended to read as follows:

If a judgment against a defendant on a trial before a justice's court, or in a city or police court, unless otherwise provided in the statutes creating or regulating it, be for imprisonment or for a fine of twenty dollars or more, he shall have the right of appeal to the quarterly court or the circuit court of the county in which the judgment is rendered. If the fine is for less than twenty dollars but more than ten dollars the defendant shall have the right of appeal only to the quarterly court. If a judgment against a defendant on a trial before a county judge, unless otherwise provided in the statutes creating or regulating it, be for imprisonment or for a fine of twenty dollars or more, he shall have the right of appeal to the circuit court of the county in which the judgment is rendered:

Provided, also, that an appeal shall lie from the Juvenile Session of the County Court to the Circuit Court from all orders of judgments whereby any infant, or other person, shall be restrained of his liberty, or placed in the custody of any institution, or fined, or punished, in any manner, whether in a criminal or quasi-criminal, civil, or other proceeding, and said appeal

shall be prosecuted in the manner provided by this chapter, except that the transcript when filed in the office of the Clerk of the Circuit Court shall be accompanied by a motion for an appeal, supported by an affidavit of merits, signed by the appellant, or if he be an infant, by his parent or guardian, or if such infant have no parent or guardian, then by his next friend, which affidavits shall state the nature of the controversy involved; that is to say, where one of law or fact, and if one of fact, the nature and extent of the facts in controversy, so as to enable the Circuit Court or the presiding judge thereof to determine whether an appeal shall be allowed or denied.

Said bill was ordered printed and referred.

Mr. Lowman moved that the rules be suspended for the purpose of having a committee report.

Said motion was agreed to.

COMMITTEE REPORT

Mr. E. R. Hilton, Chairman of the Committee on Elections, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 318. AN ACT relating to the reporting of contributions and expenditures in connection with elections.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. E. R. Hilton, Chairman of the Committee on Elections, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 202. AN ACT relating to compensation of election officers.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Chester J. Holsclaw, Chairman of the Committee on

Ways and Means, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 251. AN ACT relating to taxation by counties.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Chester J. Holsclaw, Chairman of the Committee on Ways and Means, to which same had been previously referred, reported a bill of the following title, viz:

S. B. 111. AN ACT relating to the sale of boats and motor vehicles for the purpose of recovering charges and deferred purchase money due thereon, amending section 376.280 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Chester J. Holsclaw, Chairman of the Committee on Ways and Means, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 76. AN ACT relating to the compensation of county tax commissioners.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Chester J. Holsclaw, Chairman of the Committee on Ways and Means, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 77. AN ACT relating to the office of county tax commissioner.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (4) of Section 132.590 of the Kentucky Revised Statutes is amended to read as follows:

In the year 1954 and thereafter, the compensation of the county tax commissioner shall be computed on the basis of ten cents on each one hundred dollars of the first two million dollars and two cents on each one hundred dollars of the excess over two million dollars of the annual assessment. In counties in which the assessed value of property exceeds eight million dollars, the county tax commissioner shall be allowed by the state as compensation to his deputies and for other authorized expenditures two cents on each one hundred dollars of the property assessed in excess of eight million dollars but the total sum allowed to any county tax commissioner as deputy hire and for other authorized expenditures shall not exceed twenty thousand dollars in any county except in a county having a city of the first class, which shall be governed by KRS 132.630.

With committee amendment thereto, by way of substitute, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (4) of Section 132.590 of the Kentucky Revised Statutes is amended to read as follows:

In the years 1952 and 1953, the compensation of the county tax commissioner shall be computed on the basis of ten cents on each one hundred dollars of the first million dollars and two cents on each one hundred dollars of the excess over one million dollars of the annual assessment. In the year 1954 and thereafter, the compensation of the county tax commissioner shall be computed on the basis of ten cents on each one hundred dollars of the first two million dollars and two cents on each one hundred dollars of the excess over two million dollars of the annual assessment. In counties in which the assessed value of property exceeds eight million dollars, the county tax commissioner shall be allowed by the state as compensation to his deputies and for other authorized expenditures two cents on each

one hundred dollars of the property assessed in excess of eight million dollars but the total sum allowed to any county tax commissioner as deputy hire and for other authorized expenditures shall not exceed twenty thousand dollars in any county except in a county having a city of the first class, which shall be governed by KRS 132.630.

With the expression of opinion that same should pass by way of Committee substitute.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. L. M. Weathers, Chairman of the Committee on Cities of the Fifth Class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 345. AN ACT changing the classification of the City of Loyall, in Harlan County.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. L. M. Weathers, Chairman of the Committee on Cities of the Fifth Class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 381. AN ACT changing the classification of the City of Kuttawa, in Lyon County.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

REFERRAL OF BILLS

Senate Bill 57. Kentucky Statutes No. 2

Mr. Moore moved that the rules be suspended for the purpose of naming a Page.

Said motion was agreed to.

Mr. Moore moved that James William Woods be made an Honorary Page of the General Assembly for the 1952 Session.

Said motion was agreed to.

Mr. Lowman moved that the House do now adjourn until 8:00 o'clock p.m., Monday, February 25, 1952.

Said motion was agreed to.

And then the House adjourned.

MONDAY, FEBRUARY 25, 1952

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House opened with prayer with Reverend Will B. Campbell, Methodist Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bill Adams	J. C. Denney, Jr.	Thomas D. Hewlett
Dr. John Adkins, Jr.	C. E. Dowell	Henry R. Heyburn
Henry Arrowood	James A. Dressman, Jr.	E. R. Hilton
J. Everett Bach	Thomas R. Duncan	Ray Holbrook
Sidney Baer	R. L. Dunigan	Chester J. Holsclaw
John Rhea Banton	Jack Early	William M. Horn
Clarence J. Barnum	Harold Edwards	Paul S. Jonas
Owen Billington	William Engle	William L. Jones
William W. Blanton	Roscoe Estep	Jennings Kearby
R. O. Blevins	Herbert Fern	James W. Lambert
J. C. Bradley	Wm. P. Friedlander	Paul M. Lewis
Ed T. Breathitt	Leslie Gay	Mrs. J. T. Linton
Edw. O. Bridgers	Henry J. Giles	Harry K. Lowman
Thomas L. Britton	Charles M. Greene	William Maglinger
Mrs. Mary E. Burnete	Henry C. Hale	Shelby McCallum
Alex H. Calvert	Eugene B. Hancock	G. Lee McClain
Walter J. Chyle, Jr.	George F. Harris	Russell L. Meadows
Marvin A. Cornett	John Head	Tom Mobley
R. Josh Cosby	Farmer Helton	Robert H. Moore
Charles M. Crowe	William K. Henry	Walter R. Moorman

Fred H. Morgan	Amos Runyon	Marion Vance
Earl F. Murphy	Cecil Sanders	J. B. Veech
Thomas J. Murphy	Clem Schroader	Eulick (Mike) Walsh
Ewin C. Neville	Gus F. Sheehan, Jr.	Wm. Thos. Wathen
Bart N. Peak	Dr. B. F. Shields	L. M. Weathers
Louis T. Peniston	John A. Sloan	Morris Weintraub
Hobart Rayburn	E. A. Spencer	Hicks Wells
Tipton Reed	Mrs. Thelma Stovall	William B. Wells
J. F. Robinson	E. H. (Ted) Stumbo	Charles W. Wirsch
Earl Rogers	Egbert V. Taylor	Walker H. Wiseman
Joe Rouse	Albert Thomason	Garrett L. Withers
Carl J. Ruh	William F. Threlkeld	Charles W. Burnley, Speaker

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Mr. Baer moved that the absentees be granted a leave of absence.

Said motion was agreed to

The absentees were as follows, viz: Lewis W. Combest, Jesse H. Lawrence, W. W. Webster, and W. A. (Pete) Wickliffe.

Mr. Barnum moved that the reading of the Journal of the proceedings of Thursday, February 21, 1952, be dispensed with, and the same be approved.

Said motion was agreed to.

SENATE MESSAGE

A message was received from the Senate that they had passed bills originating in that body, said bills by their titles only, are as follows, viz:

S. B. No. 150. AN ACT relating to Workmen's Compensation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The introductory phrase and paragraph (c) of subsection (1) of section 342.075 of the Kentucky Revised Statutes is amended to read as follows:

(1) The following persons shall be presumed to be wholly dependent upon a deceased employe:

* * * * * *

(c) A child or children under the age of sixteen years, or over sixteen years if incapacitated from wage-earning, upon the parent with whom such child or children are living, or by whom actually supported, or from whom support is legally required by judgment of a court, at the time of the accident.

Said bill was ordered printed and referred.

S. B. No. 180 AN ACT relating to insurance rates, amending KRS 304.603 and KRS 304.627.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Pharmacies required to obtain permit after July 1, 1952. No person shall open, establish, operate or maintain a pharmacy without obtaining a permit from the Kentucky Board of Pharmacy.

Sec. 2. (1) No permit shall be issued for the conduct of a pharmacy except upon evidence satisfactory to the Kentucky Board of Pharmacy that:

(a) The pharmacy for which the permit is sought will be conducted in full compliance with the law and the rules and regulations of the board; and

(b) The person applying for the permit is qualified to conduct the pharmacy.

(2) All current permits must be conspicuously displayed visible to the general public.

(3) Every pharmacy must be equipped with proper pharmaceutical utensils so that prescriptions can be properly filled and United States Pharmacopoeia and National Formulary preparations properly compounded. The Kentucky Board of Pharmacy shall prescribe the minimum of such professional and technical equipment which a pharmacy shall at all times possess and such

list shall include the latest revision of the United States Pharmacopoeia and the National Formulary, and all supplements to either of them. The premises of every pharmacy shall be kept in a clean and orderly manner. No permit shall be issued or continued for the conduct of a pharmacy unless the provisions of this subsection are complied with.

Sec. 3. (1) Applications for a permit required by this Act shall be made on forms prescribed and furnished by the Kentucky Board of Pharmacy.

(2) Applications for a permit to open a new pharmacy shall be made at least thirty days before the pharmacy is to be opened for business.

(3) A fee of not more than ten dollars per year, to be determined by the Board, shall be charged for each permit to operate a retail drug store. Such permit shall expire on June 30 of each year.

Sec. 4. Separate applications shall be made and separate permits issued for each separate place at which is carried on any of the operations for which a permit is required. Each permit issued under this Act shall be conspicuously exposed to the general public in the place for which it was granted. Permits shall not be transferable.

Sec. 5. (1) The Board may, after notice and hearing as prescribed in subsection (2) and (3) of this section, refuse, revoke or suspend any permit when the Board finds that the permit was obtained by fradulent means, or that the operations for which the permit was issued or is applied for are not being conducted or will not be conducted according to law or are being so conducted as to endanger the public health and safety.

(2) The Kentucky Board of Pharmacy may, on its own motion or on a verified complaint, issue a notice to any registrant or permittee to show cause why his certificate or permit should not be suspended or revoked, or a notice to any applicant to show cause why his application for registration or for a permit should not be denied. The notice shall contain a copy of the charge and shall state the time and place at which the hearing is to be conducted. The date of the hearing shall not be less than ten

days from the date the notice is received by the applicant, registrant or permittee.

(3) Members of the Board and its Executive Secretary-Treasurer may administer oaths and take evidence in any hearing conducted by the Board. The Board shall, at all hearings, receive the testimony of all witnesses and accept all documentary evidence relevant to the issue.

Sec. 6. Any person having an interest in the matter may, within thirty days of the effective date of the order, appeal from any order of the Board denying, revoking or suspending a certificate or permit, by filing a certified copy of the order in their circuit court together with a bond approved by the clerk to insure the payment of costs. The appeal shall be docketed and tried in the manner provided by law for equity cases. From the judgment of the circuit court any party having an interest therein may appeal in the manner provided by law to the Court of Appeals.

Sec. 7. The Kentucky Board of Pharmacy and its duly appointed agents may inspect in a lawful manner the drugs that are manufactured, packed, packaged, sold, offered for sale, exposed for sale or kept for sale in this state, and for this purpose may enter and inspect, during business hours, any place in this state where drugs are manufactured, packed, packaged, made, sold, offered for sale, exposed for sale, dispensed or kept for sale.

Sec. 8. The Kentucky Board of Pharmacy may, in addition to the criminal penalties prescribed for violating this Act apply to a court having jurisdiction for an injunction to restrain repetitious violations of the provisions of this Act.

Sec. 9. Any person who violates any of the provisions of this Act.

Sec. 9. Any person who violates any of the provisions of this Act shall be fined not less than one hundred dollars or imprisonment in the county jail for not more than ninety days, or both, for each violation and each day the violation continues shall constitute a separate and distinct offense. Upon conviction of a permittee, has permit may be revoked by the Kentucky Board of Pharmacy and become void, without notice of hearing.

Sec. 10. All fees shall be paid into the State Treasury and placed in an agency fund to be spent by the State Board of Pharmacy for the enforcement of this Act. The Board may employ such investigators, chemists, agents and other assistants as it deems necessary to carry out the provisions of this Act.

Sec. 11. This Act shall not become effective until June 30, 1952.

Said bill was ordered printed and referred.

Mr. Ruh moved that the Speaker appoint five members to meet with the Governor to discuss H. B. No. 298.

Said motion was agreed to.

Whereupon, the Speaker appointed Mr. Ruh, Mobley, McCallum, Meadows, and Rayburn, to meet with the Gov. and discuss H. B. 298.

Mr. Maglinger moved that H. B. No. 176 be recommitteed to the Committee on Ways and Means.

Said bill by its title only, is as follows, viz:

H. B. No. 176. AN ACT concerning annexation of territory and reduction of boundaries by cities and repealing Sections 81.100 through 81.270 of the KRS.

Two members, Mr. Ruh and Maglinger, requested a roll call. Said roll call is as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Charles M. Crowe	Charles M. Greene
Dr. John Adkins, Jr.	J. C. Denney, Jr.	Eugene B. Hancock
Henry Arrowood	Thomas R. Duncan	John Head
John Rhea Banton	R. L. Dunigan	Farmer Helton
Owen Billington	Jack Early	Thomas D. Hewlett
William W. Blanton	Harold Edwards	Henry R. Heyburn
J. C. Bradley	William Engle	E. R. Hilton
Thomas L. Britton	Roscoe Estep	Ray Holbrook
Alex H. Calvert	Herbert Fern	William M. Horn
Walter J. Chyle, Jr.	Leslie Gay	Paul S. Jonas
Marvin A. Cornett	Henry J. Giles	William L. Jones

Jennings Kearby	Hobart Rayburn	E. H. (Ted) Stumbo
James W. Lambert	J. F. Robinson	Albert Thomason
Paul M. Lewis	Earl Rogers	Marion Vance
William Maglinger	Carl J. Ruh	Wm. Thos. Wathen
G. Lee McClain	Cecil Sanders	L. M. Weathers
Walter R. Moorman	Clem Schroader	Hicks Wells
Fred H. Morgan	Gus F. Sheehan, Jr.	Charles W. Wirsch
Earl F. Murphy	John A. Sloan	Walker H. Wiseman
Ewin C. Neville	E. A. Spencer	Garrett L. Withers
Bart N. Peak		—61

Those who voted in the negative were—

Sidney Baer	Wm. P. Friedlander	Amos Runyon
Clarence J. Barnum	William K. Henry	Dr. B. F. Shields
Ed T. Breathitt	Chester J. Holsclaw	Mrs. Thelma Stovall
Edw. O. Bridgers	Tom Mobley	Egbert V. Taylor
Mrs. Mary E. Burnete	Thomas J. Murphy	William F. Threlkeld
R. Josh Cosby	Louis T. Peniston	Eulick (Mike) Walsh
James A. Dressman, Jr.	Joe Rouse	—20

Mr. Dressman moved that H. B. 212 be recommitteed for further study to the Committee on Agriculture.

Said bill by its title is as follows, viz:

AN ACT RELATING to rabies control, livestock and dog protection.

Two members, Mr. Dressman and Friedlander, requested a roll call.

Said roll call is as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Jack Early	Russell L. Meadows
J. Everett Bach	Roscoe Estep	Hobart Rayburn
Thomas L. Britton	Wm. P. Friedlander	Earl Rogers
Walter J. Chyle, Jr.	Leslie Gay	Clem Schroader
Charles M. Crowe	Charles M. Greene	Gus F. Sheehan, Jr.
J. C. Denney, Jr.	Henry C. Hale	John A. Sloan
James A. Dressman, Jr.	Henry R. Heyburn	E. A. Spencer
R. L. Dunigan	E. R. Hilton	—23

Those who voted in the negative were—

Dr. John Adkins, Jr.	John Head	Tipton Reed
Henry Arrowood	Farmer Helton	J. F. Robinson
Sidney Baer	William K. Henry	Joe Rouse
John Rhea Banton	Thomas D. Hewlett	Amos Runyon
Clarence J. Barnum	Ray Holbrook	Cecil Sanders
Owen Billintgon	William M. Horn	Dr. B. F. Shields
William Blanton	William L. Jones	Mrs. Thelma Stovall
J. C. Bradley	Jennings Kearby	E. H. (Ted) Stumbo
Ed T. Breathitt	James W. Lambert	Egbert V. Taylor
Edw. O. Bridgers	Paul M. Lewis	Albert Thomason
Mrs. Mary E. Burnete	Mrs. J. T. Linton	William F. Threlkeld
Alex H. Calvert	William Maglinger	Marion Vance
Marvin A. Cornett	Shelby McCallum	J. B. Veech
R. Josh Cosby	G. Lee McClain	Eulick (Mike) Walsh
C. E. Dowell	Robert H. Moore	Wm. Thos. Wathen
Thomas R. Duncan	Walter R. Moorman	L. M. Weathers
Harold Edwards	Fred H. Morgan	Hicks Wells
William Engle	Earl F. Murphy	William B. Wells
Herbert Fern	Thomas J. Murphy	Charles W. Wirsch
Henry J. Giles	Ewin C. Neville	Walker H. Wiseman
Eugene B. Hancock	Bart N. Peak	Garrett L. Withers
George F. Harris	Louis T. Peniston	—65

REPORT OF THE ENROLLMENT COMMITTEE

Mr. Henry on the Committee on Enrollment to which the same had been referred, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz:

S. B. 113. AN ACT relating to education.

S. B. 80. An ACT relating to judges and commissioners of Court of Appeals making an appropriation therefor.

S. B. 11. An ACT relating to time of holding circuit court in the 36th judicial districts, including Knott and Magoffin counties.

S. B. 21. AN ACT relating to time of holding court in the 37th Judicial District.

S. B. 45. AN ACT relating to time of holding court in the eighth Circuit Court district, composed of Allen and Warren County.

S. B. 84. AN ACT relating to Corporations.

S. B. 12. AN ACT relating to Real Estate brokers.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the Enrolling Clerk return said bills to the Senate.

Mr. Hilton moved that the House do now adjourn.

Two members, Mr. Calvert and Hilton, requested a roll call.

Said roll call is as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Herbert Fern	J. F. Robinson	
Alex H. Calvert	Charles M. Greene	John A. Sloan	
Charles M. Crowe	E. R. Hilton	E. A. Spencer	
R. L. Dunigan	Russell L. Meadows		—11

Those who voted in the negative were—

Dr. John Adkins, Jr.	C. E. Dowell	Chester J. Holsclaw
Henry Arrowood	James A. Dressman, Jr.	William M. Horn
J. Everett Bach	Thomas R. Duncan	Paul S. Jonas
Sidney Baer	Harold Edwards	Jennings Kearby
John Rhea Banton	William Engle	James W. Lambert
Clarence J. Barnum	Roscoe Estep	Paul M. Lewis
Owen Billington	Wm. P. Friedlander	Mrs. J. T. Linton
William W. Blanton	Henry J. Giles	Harry K. Lowman
J. C. Bradley	Henry C. Hale	William Maglinger
Ed T. Breathitt	George F. Harris	Shelby McCallum
Edw. O. Bridgers	John Head	G. Lee McClain
Thomas L. Britton	Farmer Helton	Tom Mobley
Mrs. Mary E. Burnete	William K. Henry	Robert H. Moore
Marvin A. Cornett	Thomas D. Hewlett	Walter R. Moorman
R. Josh Cosby	Ray Holbrook	Fred H. Morgan

Earl F. Murphy	Amos Runyon	J. B. Veech
Thomas J. Murphy	Gus F. Sheehan, Jr.	Eulick (Mike) Walsh
Ewin C. Neville	Dr. B. F. Shields	Wm. Thos. Wathen
Bart N. Peak	Mrs. Thelma Stovall	L. M. Weathers
Louis T. Peniston	E. H. (Ted) Stumbo	Morris Weintraub
Tipton Reed	Egbert V. Taylor	Walker H. Wiseman
Joe Rouse	Albert Thomason	Garrett L. Withers
Carl J. Ruh	Marion Vance	—68

INTRODUCTION OF BILLS

Bills and a resolution of the following titles were introduced, viz:

By Mr. Lowman.

H. B. 400. AN ACT relating to redistricting the Commonwealth of Kentucky into eight Congressional Districts, amending Section 120.060 of the KRS.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 120.060 of the Kentucky Revised Statutes is amended to read as follows: The Commonwealth is divided into eight Congressional Districts, composed as follows:

(1) First District: Fulton, Hickman, Carlisle, Ballard, McCracken, Graves, Livingston, Marshall, Calloway, Crittenden, Caldwell, Lyon, Trigg, Christian, Muhlenberg, Ohio and Butler.

(2) Second District: Todd, Logan, Simpson, Warren, Allen, Edmonson, Grayson, Breckinridge, Hancock, Daviess, Henderson, McLean, Hopkins, Webster, Union and Meade.

(3) Third District: Jefferson.

(4) Fourth District: Hardin, Hart, Barren, Metcalf, Adair, Green, Taylor, Marion, Larue, Washington, Nelson, Bullitt, Spencer, Anderson, Shelby, Oldham, Mercer, Woodford, Boyle and Lincoln.

(5) Fifth District: Carroll, Gallatin, Boone, Kenton, Campbell, Pendleton, Bracken, Mason, Lewis, Fleming, Boyd, Greenup, Lawrence, Trimble and Grant.

(6) Sixth District: Henry, Owen, Harrison, Scott, Franklin, Fayette, Jessamine, Garrard, Madison, Estill, Rowan, Powell, Clark, Montgomery, Menifee, Bath, Nicholas, Robertson, Bourbon and Carter.

(7) Seventh District: Elliott, Morgan, Wolfe, Breathitt, Perry, Letcher, Knott, Floyd, Pike, Magoffin, Johnson, Martin and Lee.

(8) Eighth District: Casey, Russell, Cumberland, Monroe, Clinton, Wayne, Pulaski, McCreary, Rockcastle, Jackson, Owsley, Laurel, Whitley, Knox, Bell, Clay, Leslie and Harlan.

Section 2. Notwithstanding the provisions of Section 1 hereof, if any vacancy in the office of Representative in Congress shall exist or occur before January 3, 1953, in any district, the vacancy shall be filled as provided by law from the district as it existed prior to the enactment of this Act.

Section 3. WHEREAS, the time for filing for nomination to the office of Representative in Congress is now close at hand, and it is desirable to eliminate any question with regard to the districts for which such candidacies may be filed.

NOW, THEREFORE, an emergency is declared to exist and this Act shall take effect from and after its passage and approval by the Governor, or from and after such time as this Act becomes a law without the approval of the Governor.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. 401. AN ACT relating to revenue and taxation and to state support of education.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 157.051 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 157.051 to 157.055:

(1) "Equalization fund" means a special fund appropriated by the General Assembly for the specific purpose of equalizing educational services in the school districts of Kentucky.

(2) "Gross assessment" means the total assessment of all property in a school district subject to local school taxes, based, in school districts levying taxes upon a city assessor's assessment, upon the final local assessment made for school taxes, or, in school districts levying taxes upon the county tax commissioner's assessment, upon the assessment as certified by the Kentucky Tax Commission, and, in all school districts, upon an estimate made by the Department of Revenue of the franchise assessment and the assessment of other property subject to local school taxes in each school district. If such assessment has not become final by June 7 of any year, then the Department of Revenue shall on the basis of such other information as may be available make an estimate of the assessment of all property subject to local school taxes in each school district and this estimate shall be used as the gross assessment.

(3) "Potential revenue" means the sum obtained for a given school year by adding together the amounts obtained under paragraphs (a), (b), and (c) of this subsection and subtracting therefrom the amount obtained under paragraph (d) of this subsection.

(a) The total revenue that may accrue from applying a tax rate of $0.40 per one hundred dollars assessed valuation of bank shares, a tax rate of $1.50 per one hundred dollars assessed valuation of franchise properties and distilled spirits, and a tax rate of $1.50 on each $100 equalized assessment of other property subject to school taxes. For purposes of determining potential revenue, the assessment of property (other than bank shares, franchise tax paying companies, and distilled spirits) subject to school taxes shall be equalized at an assessment ratio of .30 for 1952-53 taxes. Thereafter the applicable assessment ratio shall be increased by .05 for each succeeding year until it reaches .60 in 1958-59. The tax rates provided in this subsection shall not include special tax rates levied for special voted building funds or for sinking fund purposes. In the event the ratio for the state as a whole varies to an appreciable extent from one

year to another because of unforeseen changes in economic conditions, the Governor may, upon the recommendation of both the Commissioner of Revenue and the Superintendent of Public Instruction, postpone or advance the effective date of the annual increases in the assessment ratio provided in this subsection.

(b) The amount distributable to a school district on a census-pupil basis as provided in Section 186 of the Constitution.

(c) The amount of any other revenue which can reasonably be anticipated to recur in a school district.

(d) The amount spent for pupil transportation during the previous school year or the amount that would be obtained by levying a twenty-five cent tax rate on franchise property, distilled spirits, and locally assessed property subject to school taxes equalized at the level specified in paragraph (a) of this subsection for the year in question, whichever is smaller.

(4) "Arithmetic mean index" means the quotient obtained when the sum of the average daily membership and the average daily attendance of public school pupils residing in a school district is divided by two.

(5) "Net ability index" means the quotient obtained when the potential revenue of a school district is divided by the arithmetic mean index of such school district.

(6) "Assessment ratio" means the ratio determined by the Department of Revenue, from sales and other data, of the assessed value to fair cash value of property in a school district which is assessed locally and subject to a school tax levy.

Section 157.053 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Revenue shall furnish annually to the Superintendent of Public Instruction the gross assessment and the assessment ratio of each school district.

(2) The Superintendent of Public Instruction shall make a careful study to determine annually the net ability index for each school district in Kentucky. After all school districts in the state have been arranged in a rank order from high to low ac-

cording to their net ability indices, the Superintendent of Public Instruction, with the approval of the State Board of Education, shall determine the equalization allotment to each district so that when the total potential revenue of all participating districts, plus the equalization fund, is divided by the total arithmetic mean indices of all participating districts, it will give the same potential amount of money per pupil per year represented in the arithmetic mean index in each participating district.

(3) Each school district shall be allotted such part of the Equalization Fund as may be determined by the method set forth in subsection (2) of this section provided it levies the following taxes:

(a) Forty cents per one hundred dollars assessed valuation of bank shares.

(b) One dollar fifty cents per one hundred dollars assessed valuation of franchise property, distilled spirits, and locally assessed properties subject to school taxes.

(c) The maximum poll tax provided in KRS 160.475.

Said bill was ordered printed and referred.

By Mr. Lowman.

H. B. 402 AN ACT relating to the office of sheriff and to the payment and collection of taxes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 134.215 of the Kentucky Revised Statutes is amended to read as follows:

(1) An outgoing sheriff, as soon as his successor has been qualified and inducted into office and his official bond approved, shall immediately vacate his office, deliver to his successor all books, papers, records and other property held by virtue of his office, and make a complete settlement of his accounts as sheriff. except as otherwise provided in this section.

(2) All unpaid tax bills and bills upon which partial pay-

ments have been accepted in the possession of the sheriff upon the date of expiration of his term shall be turned over to the incoming sheriff, who shall collect and account for them as provided by law. The outgoing sheriff shall take a receipt from the incoming sheriff for the unpaid and partially paid tax bills. This receipt shall show in detail for each unpaid and for each partially paid tax bill the total amount due each taxing district as shown upon the tax bills. The receipt shall be signed and acknowledged by the incoming sheriff before the county clerk, filed in the county court, and recorded in the order book of the county court in the manner required by law for recording the official bond of the sheriff. A certified copy of the receipt as recorded in the order book of the county court shall be filed with the Department of Revenue. The outgoing sheriff and his bondsmen or sureties shall be relieved in securing his quietus and in the final settlement of his accounts of all responsibility for collecting and accounting for the amounts covered by the receipt and the incoming sheriff shall be charged with full responsibility for collecting and accounting for these amounts as otherwise provided by law for the collection and accounting for taxes.

(3) Each outgoing sheriff shall make a final settlement with the Department of Revenue and the fiscal court and taxing district of his county by March 15 immediately following the expiration of his term of office for all charges of taxes made against him and for all money received by him as sheriff and to obtain his quietus, and immediately thereafter he shall deliver these records to the incumbent sheriff.

(4) For purposes of accounting for unpaid and partially paid tax bills, either the outgoing sheriff, the incoming sheriff, or both, may, by giving advance notice in a local newspaper of general circulation in the county, refuse to accept payment of ad valorem taxes during any or all of that portion of their terms of office from January 1 through January 15. Irrespective of whether the office refuses to accept payment of taxes during any or all of this fifteen-day period, both the incoming and outgoing sheriffs shall have working access to the office facilities and to the records and mail of the sheriff's office relating to the payment, collection and refund of ad valorem taxes on property. Interest

shall not be assessed or collected for the period during which payment of taxes is prohibited under the terms of this section.

Section 134.325 of the Kentucky Revised Statutes is amended to read as follows:

Each sheriff shall make his settlement with the Department of Revenue for all taxes collected for the Commonwealth before June 1 of each year during his term of office. In the event that any sheriff resigns, dies or otherwise vacates his office, the settlement shall be made within thirty days from the date that the office is vacated. Any sheriff who shall fail to make the settlement as required by law shall be subject to indictment in the county of his residence and fined not less than one hundred dollars nor more than five hundred dollars.

Subsection (1) of Section 134.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) All personal property owned by a delinquent taxpayer shall be subject to distraint, and all property owned by him shall be subject to levy and sale by the proper collecting officer at any time from February 1 after the tax claim becomes delinquent until the tax claim is barred by limitations, unless otherwise provided by law.

Said bill was ordered printed and referred.

By Mr. Lowman

H. B. 403. AN ACT relating to depositories of state funds and moneys; amending KRS 41.240.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 41.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) Before any bank shall be named as a state depository to receive public funds, it shall pledge to the State Treasurer, as collateral, securities having a face value at least 10 percent in excess of the deposits and having a current quoted market value

at least equal to the deposits. The State Treasurer and the Governor shall from time to time call for additional collateral to adequately secure the deposits as current market values may require.

(2) Only the following securities shall be eligible to be pledged as collateral under this section: State warrants; state bonds, including bridge revenue bonds; county bonds as authorized by KRS 41.245; housing commission obligations as authorized by KRS 386.040 and 386.050; and direct obligation bonds of the United States Government.

Said bill was ordered printed and referred.

By Mr. Calvert.

H. B. 404. AN ACT relating to barbers and beauty specialists.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 317.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fee for an examination for barber or beauty specialist shall be fifteen dollars, and for the issuance of a license, eight dollars. The fee for renewal of any barber's or beauty specialist's license, including an apprentice's license, shall be five dollars, and for the restoration of an expired license, eight dollars.

(2) The fee for an examination for an apprentice barber or beauty specialist shall be ten dollars, and for the issuance of the license, three dollars.

(3) The fee for an examination for manicurist shall be ten dollars, and for the issuance of a license, three dollars. The fee for the restoration or renewal of a manicurist's license shall be five dollars.

(4) The fee for an examination for teacher of beauty culture or barbering shall be twenty-five dollars, and for the issuance

of a teacher's license, ten dollars. The fee for renewal or restoration of a teacher's license shall be ten dollars.

(5) The annual license fee for a school of barbering or beauty culture shall be twenty-five dollars.

(6) The annual license fee for each barber shop or beauty shop shall be three dollars.

Section 2. Section 317.190 of the Kentucky Revised Statutes is amended to read as follows:

A duplicate license certificate shall be issued to an applicant filing a statement, verified by his oath and covering the loss of his certificate. A fee of two dollars shall be charged for the issuance of a duplicate. Each duplicate shall have the word "duplicate" stamped across its face, and shall bear the same date and show the number of the original certificate.

Section 3. Section 317.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Board shall elect a president and appoint a secretary.

(2) The Secretary of the Board shall receive such salary as may be established by the Department of Finance pursuant to the provisions of Kentucky Revised Statutes 64.640 and shall be reimbursed for his necessary traveling expenses incurred in the actual discharge of his duty.

(3) Each member of the board shall receive as compensation for actual attendance on legally assembled meetings of the Board, fifteen dollars for each day he attends as shown by the record, and shall be reimbursed for necessary traveling expenses.

Said bill was ordered printed and referred.

By Mr. Mobley.

H. B. 405. AN ACT amending Section 31 of the Constitution of the Commonwealth of Kentucky concerning the time of election and term of office of senators and representatives.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 31 of the Constitution of the Commonwealth of Kentucky is amended to read as follows:

At the general election in the year one thousand nine hundred and fifty-three one Senator shall be elected in each Senatorial District, and one Representative in each Representative District. The Senators then elected shall hold their offices, one-half for four years and one-half for six years, as shall be determined by lot at the first session of the General Assembly after their election, and the Representatives shall hold their offices for four years. Every four years thereafter there shall be elected for six years one Senator in each Senatorial District in which the term of his predecessor in office will then expire, and in every Representative District one Representative for four years.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under KRS 118.170 and 118.430.

Said bill was ordered printed and referred.

By Mr. Adams.

H. B. 406. AN ACT relating to officers, agents and employes in cities of the fifth class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) All officers, agents or employes appointed or employed by the legislative body of a city of the fifth class may be removed by the legislative body at pleasure.

(2) Except where otherwise provided by law, any elected city officer other than members of the city legislative body and the mayor may, for incompetency, neglect of duty or misconduct in office, be impeached and removed from office by a majority vote of the members of the legislative body, the yeas and nays being called and entered upon the journal.

(3) No such elected officer shall be removed without having been given the right to a full public hearing with representation by counsel, and with witnesses summoned in his behalf and required to testify. The findings of fact at the hearing, and the reasons for removal, shall be stated in writing and filed as a matter of public record.

(4) Any officer, if removed, shall have the right to appeal to the circuit court of the county, and be tried de novo.

Said bill was ordered printed and referred.

By Mr. Greene.

H. B. 407. AN ACT relating to the certification of teachers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any teacher who holds a provisional elementary teacher's certificate, issued under the provisions of KRS 161.060 prior to its repeal in 1950 has completed two years of college and has taught twenty years continuously, except for interruptions caused by service in the armed forces or illness, in the Commonwealth of Kentucky, shall be granted a certificate extended for the life of the holder.

Said bill was ordered printed and referred.

By Mr. Dressman.

H. B. 408. AN ACT authorizing cities and counties to make and carry out contracts and agreements for the joint aquisition ownership and use of a city-county governmental building.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 67.340 of the Kentucky Revised Statutes is amended to read as follows:

In any county of the Commonwealth of Kentucky in which there is located a city of the first, second or third class, such

county and city are authorized to erect, purchase, lease, condemn or otherwise acquire, keep in repair and improve, own and use a joint city-county building. Said city-county building may be used for any governmental purpose in which either or both the said county and city are engaged.

Section 2. Subsection (2) of Section 67.370 of the Kentucky Revised Statutes is amended to read as follows:

KRS 67.330 to 67.360 shall be given a liberal construction in order to further the legislative purpose to grant a broad and flexible authority to counties and cities of the first, second and third classes to secure by their joint action the advantages in efficiency and economy of a city-county building.

Said bill was ordered printed and referred.

By Mr. Sheehan.

H. B. 409. AN ACT concerning licensing of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 186.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The annual registration fee for motor vehicles primarily designed for carrying passengers and having provisions for not more than nine passengers, including the operator, shall be $4.50.

(2) The annual registration fee for each motorcycle shall be $2.00, and for each sidecar attachment, $1.00.

(3) All motor vehicles except those mentioned in subsections (1) and (2), and those engaged in hauling passengers for hire operating under certificates of convenience and necessity, are classified as trucks or busses, and the annual registration fee, except as provided in subsections (4) through (9), shall be as follows:

Gross Weight	Registration Fee
0- 5000	$ 10.00
5001- 8000	22.00
8001-10000	25.00
10001-12000	29.00
12001-14000	32.00
14001-16000	36.00
16001-18000	40.00
18001-21000	45.00
21001-24000	50.00
24001-27000	59.00
27001-30000	71.00
30001-33000	85.00
33001-36000	101.00
36001-39000	123.00
39001-42000	150.00

The registration fee shall be increased fifty percent on any motor vehicle not equipped wholly with pneumatic tires.

(4) Any farmer owning a truck having a gross weight of 22,000 pounds or less may have it registered as a farmer's truck and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit, stating that he is a farmer engaged solely in the production of crops, livestock or dairy products, that he owns a truck of the gross weight of 22,000 pounds or less, that he has caused to be printed upon each side of the bed of the truck the words "Farmer's Truck" in conspicuous letters not less than three inches in height, and that during the next twelve months the truck will be used only in transporting persons, food, provender, feed and machinery used in operating his farm and the products grown on his farm.

(5) Any person owning a truck or bus used solely in transporting school children and school employes may have the truck or bus registered as a school bus and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus is used solely in the transportation of school

children and persons employed in the schools of the district, that he has caused to be printed on each side of the bed of the truck or bus and on the rear door or part of the bed the words "School Bus" in letters at least six inches high and of a conspicuous color and that the truck or bus will be used during the next twelve months only for the purpose stated.

(6) Any church or religious organization owning a truck or bus used solely in transporting persons to and from a place of worship or for other religious work may have the truck or bus registered as a church bus and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus will be used only for the transporting of persons to and from a place of worship, or for other religious work, and that there has been printed on the truck or bus in large letters the words "Church Bus," with the name of the church or religious organization owning and using the truck or bus, and that during the next twelve months the truck or bus will be used only for the purpose stated.

(7) Any person owning a truck on which an outfit for drilling water wells has been mounted and bolted to the chassis may register the truck and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit that an outfit for the drilling of water wells has been mounted on and bolted to the chassis of the truck, and that during the next twelve months the truck will be used only for the transportation of the well drilling outfit.

(8) Any person owning a motor vehicle on which a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted may register the vehicle and obtain a license for $9.50 by filing with the county clerk, in addition to other information required, an affidavit that a wrecking crane and other equipment suitable for an automobile service has been permanently mounted on such vehicle and that during the next twelve months the vehicle will be used only in automobile wrecker service.

(9) Any volunteer fire department or similar organization rendering fire protection service owning a quad, pumper or similar vehicle used solely in the service of extinguishing fires, and any such volunteer fire department or similar organization owning an ambulance used solely for the emergency transportation of persons who are wounded, injured or sick may register the vehicle and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the vehicle will be used only in providing fire protection or emergency transportation of persons who are wounded, injured or sick, as the case may be, and that there has been printed on the vehicle in large letters the name of the volunteer fire department or similar organization owning or using such vehicle.

Said bill was ordered printed and referred.

By Mr. Bach.

H. B. 410. AN ACT changing the terms of court in the thirty-ninth Judicial District.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The introductory phrase and subsection (39) of the Kentucky Revised Statutes is amended to read as follows :

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

* * * * *

(39) Breathitt County, at Jackson, on the third Monday in March, the second Monday in August, and the second Monday in November, eighteen juridical days each.

Powell County, at Stanton, on the first Monday in March, the first Monday in July, and the second Monday in October, twelve juridical days each.

Wolfe County, at Campton, on the second Monday in April,

the second Monday in September, and the first Monday in December, twelve juridical days each.

* * * * *

Said bill was ordered printed and referred.

By Mr. Morgan.

H. B. No. 411. AN ACT relating to the West Kentucky Vocational Training School for Negroes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The educational institution for Negroes located at Paducah, Kentucky, and known as the West Kentucky Vocational Training School for Negroes shall hereafter be known as the West Kentucky Vocational School for Negroes and under such name is recognized as established and maintained.

Said bill was ordered printed and referred.

By Mr. Vance.

H. B. No. 412. AN ACT relating to county school superintendents.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) No county school superintendent shall, directly or indirectly, give solicit, receive or remit, any assessment, subscription or contribution, to or for any political party or any candidate for public office, or in any manner be concerned therewith; nor shall any such person be a member of any campaign committee or governing committee of any political organization nor an officer in either; nor shall any such person be an election officer or work at the polls on election day, or participate in the purgation or registration of voters, provided, however, nothing herein shall prevent any such person from freely expressing his or her views as a citizen or from casting his or her vote in any election.

(2) Any county school superintendent violating this Act shall thereupon forfeit his office.

Said bill was ordered printed and referred.

By Mr. Lambert, Cornett, Crowe, Taylor, Schroader, Spencer, Slaon and Adams.

H. B. No. 413. AN ACT dividing the Commonwealth of Kentucky into eight congressional districts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 120.060 is amended to read as follows:

The State is divided into eight congressional districts, composed as follows:

(1) First District. Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, Trigg, Union and Webster Counties.

(2) Second District. Allen, Butler, Breckinridge, Daviess, Edmonson, Grayson, Hancock, Hardin, Logan, McLean, Meade, Muhlenberg, Ohio, Simpson, Todd, and Warren Counties.

(3) Third District. Jefferson County.

(4) Fourth District. Anderson, Adair, Barren, Boone, Boyle, Bullitt, Carroll, Casey, Gallatin, Garrard, Green, Hart, Henry, Larue, Lincoln, Marion, Mercer, Metcalfe, Nelson, Oldham, Shelby, Spencer, Taylor, Trimble, and Washington Counties.

(5) Fifth District. Bourbon, Clark, Fayette, Franklin, Grant, Jessamine, Kenton, Madison, Owen, Scott, and Woodford Counties.

(6) Sixth District. Bath, Boyd, Bracken, Campbell, Carter, Elliott, Fleming, Greenup, Harrison, Lawrence, Lewis, Mason, Menifee, Montgomery, Morgan, Nicholas, Pendleton, Powell, Robertson, Rowan, and Wolfe Counties.

(7) Seventh District. Breathitt, Estill, Floyd, Johnson, Knott, Letcher, Lee, Leslie, Magoffin, Martin, Owsley, Perry, and Pike Counties.

Eighth District. Bell, Clay, Clinton, Cumberland, Harlan, Jackson, Knox, Laurel, McCreary, Monroe, Pulaski, Rockcastle, Russell, Wayne, and Whitley Counties.

Said bill was ordered printed and referred.

By Mr. Hale.

H. B. No. 414. AN ACT relating to the teaching of a course in civil government or related subjects in the common school.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) A course in civil government, or related subjects, shall be taught in two of the grades, nine to twelve inclusive, in each of the common schools of this state.

(2) When textbooks shall hereafter be adopted and approved, there shall be included in such adoption and approval, proper textbooks to carry out the provisions of subsection (1).

(3) The failure of any teacher, principal or superintendent to comply with the terms of this Act shall be deemed a cause for the revocation of his contract of employment.

Said bill was ordered printed and referred.

By Mr. Bach.

H. Res. 43. A JOINT RESOLUTION authorizing and directing the payment of certain claims to Walter Deaton, sheriff of Breathitt County.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Walter Deaton, sheriff of Breathitt County, Kentucky, has a valid and unpaid claim against the Common-

wealth of Kentucky in the amount of $171.83 for services rendered in traveling to Pontiac, Michigan, Montgomery County, Ohio, Marion County, Indiana, and Franklin, Ohio, and returning to Jackson, Kentucky, four fugitives from justice, and that such claim is hereby authorized to be paid.

Section 2. That there is hereby appropriated out of the General Expenditure Fund in the State Treasury the sum of $171.83 for the payment of the claim authorized herein. The Commissioner of Finance shall draw his warrant upon the State Treasury in favor of Walter Deaton for the amount authorized.

Said resolution was ordered printed and referred.

REFERAL OF BILLS

House Bill No. 400—Ways and Means.

Mr. Lowman moved that the House do now recess for fifteen minutes for the purpose of having committee meetings.

Said motion was agreed to.

And then the House recessed.

The fifteen minutes having expired, the Speaker resumed the Chair and called the House to order.

COMMITTEE REPORTS

Mr. Chester Holsclaw, Chairman of the Committee on Ways and Means, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 400. AN ACT relating to redistricting the Commonwealth of Kentucky into eight Congressional Districts amending Section 120.060 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Clarence J. Barnum, Chairman of the Committee on Cities of the First Class, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 155. AN ACT to amend and re-enact Section 91.140, Kentucky Revised Statutes, relating to election of officers and the appointment of employees of Sinking Funds of Cities of the first class and prescribing the powers and duties of such officers and employees.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Clarence J. Barnum, Chairman of the Committee on Cities of the First Class, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 47. AN ACT concerning compensation of county commissioners.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 67.110, K.R.S. be amended and re-enacted, so that when amended it shall read as follows:

COMPENSATION OF JUSTICES AND COMMISSIONERS FOR SERVING ON FISCAL COURTS. (1) Each county commissioner serving on a fiscal court may be paid out of the county treasurer the following compensation for his services:

(a) In counties containing a city of the first class, a salary of five thousand dollars per annum, payable monthly.

(b) In counties containing a city of the second class, a salary of four thousand dollars per annum, payable monthly.

(c) In counties containing a city of the third or fourth class, a salary of not more than one thousand, eight hundred dollars per annum, payable monthly.

(d) In other counties, the same compensation per day as justices of the peace receive under Section 64.530 KRS.

Notwithstanding any provision of KRS 64.530, county com-

missioners in counties containing a city of the first or second class who are in office on the effective date of this act and who were elected at the election at which the amendment to Section 246 of the Constitution of Kentucky was adopted may be paid the compensation authorized by this section, but not retroactively.

WHEREAS it is deemed necessary to authorize an increase in the compensation of such county commissioners now in office, an emergency is declared to exist and this act shall take effect upon its passage and approval by the Governor.

With committee amendment thereto, by way of substitute, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 67.110, K. R. S. be amended and re-enacted, so that when amended it shall read as follows:

COMPENSATION OF JUSTICES AND COMMISSIONERS FOR SERVING ON FISCAL COURTS. (1) Each county commissioner serving on a fiscal court may be paid out of the county treasurer the following compensation for his services:

(a) In counties containing a city of the first class a salary of five thousand dollars per annum, payable monthly.

(b) In counties containing a city of the second class, a salary of four thousand dollars per annum, payable monthly.

(c) In counties containing a city of the third or fourth class, a salary of not more than one thousand, eight hundred dollars per annum, payable monthly.

(d) In other counties, the same compensation per day as justices of the peace receive under Section 64.530 KRS.

Notwithstanding any provision of KRS 64.530, county commissioners in counties containing a city of the first or second class who are in office on the effective date of this act and who were elected at the election at which the amendment to Section 246 of the Constitution of Kentucky was adopted may be paid the compensation authorized by this section, but not retroactively.

WHEREAS it is deemed necessary to authorize an increase in the compensation of such county commissioners now in office, an emergency is declared to exist and this act shall take effect upon its passage and approval by the Governor.

With the expression of opinion that same should pass by way of committee substitute.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Paul S. Jonas, Chairman of the Committee on Labor, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 171. AN ACT relating to labor organizations.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Paul S. Jonas, Chairman of the Committee on Labor, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 340. AN ACT relating to Industrial Relations.

With the expression of opinion that same should pass with committee amendments as follows:

Amendment No. 1. On page 2, section 1 (2), line 16: By inserting the words "9 or more" immediately preceding the word "employes".

Amendment No. 2. On page 3, section 1 (5), line 45: Following the word "be" strike the comma threfrom.

Amendment No. 3. On page 3, section 1 (5), line 41: By striking the numeral "(1)" therefrom and adding in lieu thereof the numeral "(2)".

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

CALENDAR

The House took up for consideration from the Calendar, bills of the following titles, viz:

H. B. No. 318. AN ACT relating to the reporting of contributions and expenditures in connection with elections.

H. B. No. 202 AN ACT relating to compensation of election officers

H. B. No. 251. AN ACT relating to taxation by counties.

S. B. No. 111. AN ACT relating to the sale of boats and motor vehicles for the purpose of recovering charges and deferred purchase money due thereon, amending section 376.280 of the Kentucky Revised Statutes.

H. B. No. 76. AN ACT relating to the compensation of county tax commissioners.

H. B. No. 77. AN ACT relating to the office of county tax commissioner.

H. B. No. 345. AN ACT changing the classification of the City of Loyall, in Harlan County.

H. B. No. 381. AN ACT changing the classification of the City of Kuttawa, in Lyon County.

Mr. Lowman moved that the second reading of said bills be dispensed with, and said bills be placed in the Orders of the Day.

Said motion was agreed to.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 308. AN ACT changing the classification of the City of Shively, in Jefferson County, Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Shively, in Jefferson County, Kentucky, is transferred and changed from the fifth class to the fourth class of cities, and hereby assigned to the cities of the fourth class.

Mr. Friedlander moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as, follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	R. Josh Cosby	George F. Harris
Henry Arrowood	J. C. Denney, Jr.	William K. Henry
J. Everett Bach	C. E. Dowell	Thomas D. Hewlett
Sidney Baer	James A. Dressman, Jr.	Henry R. Heyburn
John Rhea Banton	Jack Early	Chester J. Holsclaw
Clarence J. Barnum	Harold Edwards	William M. Horn
Owen Billington	William Engle	Paul S. Jonas
J. C. Bradley	Roscoe Estep	Jennings Kearby
Ed T. Breathitt	Wm. P. Friedlander	James W. Lambert
Edw. O. Bridgers	Leslie Gay	Paul M. Lewis
Thomas L. Britton	Henry J. Giles	Mrs. J. T. Linton
Alex H. Calvert	Henry C. Hale	Harry K. Lowman
Marvin A. Cornett	Eugene B. Hancock	William Maglinger

G. Lee McClain	Earl Rogers	Egbert V. Taylor
Russell L. Meadows	Joe Rouse	William F. Threlkeld
Tom Mobley	Carl J. Ruh	J. B. Veech
Robert H. Moore	Amos Runyon	Eulick (Mike) Walsh
Walter R. Moorman	Cecil Sanders	Wm. Thos. Wathen
Fred H. Morgan	Clem Schroader	L. M. Weathers
Earl F. Murphy	Gus F. Sheehan, Jr.	Morris Weintraub
Thomas J. Murphy	Dr. B. F. Shields	Hicks Wells
Ewin C. Neville	John A. Sloan	William B. Wells
Bart N. Peak	E. A. Spencer	Charles W. Wirsch
Hobart Rayburn	Mrs. Thelma Stovall	Walker H. Wiseman
Tipton Reed	E. H. (Ted) Stumbo	Garrett L. Withers
J. F. Robinson		

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There voted in the negative—

Walter J. Chyle, Jr. —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 82. AN ACT relating to liquefied petroleum gas.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act the term "liquefied petroleum gas" means and includes any material which is composed predominantly of any of the following hydrocarbons, or mixtures of them, whether in the liquid or in the gaseous states: Propane, propylene, butane (Normal butane or isobutane), and butylene.

Section 2. No person shall transport in any manner within this state liquefied petroleum gas in containers of a type not approved by the Commissioner of Insurance.

Section 3. Subject to the exceptions provided in subsection (2), no person shall engage, in any of the businesses set out herein without first having obtained from the Commissioner of Insurance the required license or licenses and paid the prescribed fee therefor:

(a) Selling, to the ultimate consumer, of gas containers, or gas regulating equipment for use with liquefied petroleum gas ---------- $ 50.00

(b) Assembling, repairing or installing of liquefied petroleum gas containers, or regulating equipment, or connecting appliances to liquefied petroleum gas lines - 50.00

(c) Selling and/or delivering liquefied petroleum gas in prefilled containers (this license does not authorize the filling of containers or delivery by tank truck ------ 50.00

(d) Engaging in all the businesses set out in paragraphs (a), (b) and (c), and having not more than five hundred customer (this license shall be in lieu of the three individual licenses required by paragraphs (a), (b) and (c)) ---------- 50.00

(e) Engaging in all the businesses set out in paragraphs (a), (b) and (c) and having more than five hundred customers . . . . to be licensed under paragraph (j) which license shall be lieu of all other licenses.

(f) Storing, for resale, of liquefied petroleum gas in other than I. C. C. containers ---------- 100.00

(g) Transportating of liquefied petroleum gas, by tank truck, over the highways of this state ---------- 100.00

(h) Delivering of liquefied petroleum gas to any person, by tank truck, or the delivering, to any person other than the ultimate consumer, in containers, except where the delivering is incidental to the carrying on of a business licensed under paragraph (d) herein -------- 100.00

(i) The filling of liquefied petroleum gas containers ---------- 100.00

(j) Engaging in all or any combination of the

businesses set out in paragraph (a) to (i), inclusive (this license shall be in lieu of all individual licenses required herein ---------- 100.00

(2) No person shall be required to obtain a license in order to engage in the following activities concerning liquefied petroleum gas:

(a) Storage, by the ultimate consumer, for consumption only.

(b) Transportation, by the ultimate consumer, in quantities of ten gallons or less.

(c) Handling in quantities of less than one gallon U. S. water capacity, where the gas is an integral part of a device for its utilization.

(d) Use as a fuel, while in the fuel tank of a motor vehicle.

(3) Any person engaged in any business for which a license is required under the provisions of subsection (1) and who engages in such business at more than one office or place of business in this state shall obtain a separate license for each office or place of business and shall pay therefor the required license fee; except that for the purposes of issuance of licenses under subsection (1) all facilities for the storage only of liquefied petroleum gas for resale within a radius of twenty miles of an office or place of business shall be considered a part of such office or place of business and shall not require separate licensure.

Section 4. (1) The license required under Section 3 shall be issued on a calendar year basis and shall be procured from the Commissioner of Insurance prior to the time of beginning business. All licenses and renewals thereof shall expire on December 31 of each year.

(2) Any person applying for a license after July 1 of any year shall be required to pay therefor only one-half of the applicable fee for that calendar year.

(3) Every person licensed under the provisions of this Act who desires to continue in business shall, during January of

each year, procure from the Commissioner of Insurance a renewal license for which he shall pay a fee equal to the original license fee. Failure to procure a renewal license prior to January 31 of the year for which it is issued shall result in the imposition of a penalty equal to twenty percent of the renewal fee which shall be paid to the Commissioner of Insurance in addition to the renewal fee.

Section 5. The Commissioner of Insurance, after a public hearing thereon, shall make, promulgate and enforce regulations setting forth minimum general standards covering the design, construction, location, installation and operation of equipment for storing, handling, transporting by tank truck, tank trailer, and utilizing liquefied gases, and specifying the odorization of said gases and the degree thereof. Said regulations shall be such as are reasonably necessary for the protection of the health, welfare and safety of the public and persons using such materials, and shall be in substantial conformity with the generally accepted standards of safety concerning the same subject matter.

Section 6. It is hereby declared that regulations in substantial conformity with the published standards of the National Board of Fire Underwriters for the design, installation and construction of containers and pertinent equipment for the storage and handling of liquefied petroleum gases as recommended by the National Fire Protection Association shall be deemed to be in substantial conformity with the generally accepted standards of safety concerning the same subject matter.

Section 7. All moneys collected under the provisions of this Act shall be paid into the State Treasury and credited to a trust and agency fund to be used by the Department of Insurance solely for the administration and enforcement of this Act.

Section 8. After having been given notice to cease and desist and ten day's time in which to correct the violation, any person who continues to violate any of the provisions of this Act, or any of the rules and regulations promulgated thereunder, shall be fined not less than twenty-five nor more than two hundred dollars.

Section 9. Sections 234.010 to 235.050 and 234.990 of the Kentucky Revised Statutes are repealed.

Section 10. This Act shall take effect on January 1, 1953.

Mr. Lowman moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as, follows, viz:

Those who voted in the affirmative were—

Bill Adams	Marvin A. Cornett	William K. Henry
Dr. John Adkins, Jr.	R. Josh Cosby	Thomas D. Hewlett
Henry Arrowood	Charles M. Crowe	Henry R. Heyburn
J. Everett Bach	J. C. Denney, Jr.	E. R. Hilton
Sidney Baer	C. E. Dowell	Ray Holbrook
John Rhea Banton	James A. Dressman, Jr.	Chester J. Holsclaw
Clarence J. Barnum	R. L. Dunigan	William M. Horn
Owen Billington	Jack Early	Paul S. Jonas
William W. Blanton	Harold Edwards	Jennings Kearby
J. C. Bradley	William Engle	Paul M. Lewis
Ed T. Breathitt	Herbert Fern	Mrs. J. T. Linton
Edw. O. Bridgers	Wm. P. Friedlander	Harry K. Lowman
Thomas L. Britton	Leslie Gay	William Maglinger
Alex H. Calvert	Henry C. Hale	Shelby McCallum
Walter J. Chyle, Jr.	John Head	Russell L. Meadows

Tom Mobley	Joe Rouse	Albert Thomason
Robert H. Moore	Carl J. Ruh	William F. Threlkeld
Walter R. Moorman	Amos Runyon	J. B. Veech
Earl F. Murphy	Cecil Sanders	Eulick (Mike) Walsh
Thomas J. Murphy	Gus F. Sheehan, Jr.	Wm. Thos. Wathen
Ewin C. Neville	Dr. B. F. Shields	L. M. Weathers
Bart N. Peak	John A. Sloan	Hicks Wells
Louis T. Peniston	Mrs. Thelma Stovall	Walker H. Wiseman
Tipton Reed	E. H. (Ted) Stumbo	Garrett L. Withers
Earl Rogers	Egbert V. Taylor	—74

Those who voted in the negative were—

Roscoe Estep	Eugene B. Hancock	G. Lee McClain

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be returned to the Senate.

Mr. Lowman moved that H. B. 280 be taken from the Orders of the Day, read for the third time by its title only, and placed on its passage.

Said motion was disagreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 103. AN ACT concerning enforceability of contracts of infants executed to obtain benefits of federal law providing for the making or guaranteeing of loans to war veterans.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 384.090 of the Kentucky Revised Statutes is amended to read as follows:

When the repayment, by the borrower, of money advanced or to be advanced under a contract of loan or credit has, on

application of the borrower, been made by or guaranteed in whole or in part by the Federal Government or any agency thereof, under authority of federal law enacted for the benefit of war veterans, the borrower shall not thereafter be entitled to avoid the contract on the ground that he was an infant when the contract was made, nor shall he or his spouse be entitled, on the ground of infancy, to avoid any mortgage or other instrument of encumbrance executed contemporaneously with such contract for the purpose of securing the same, nor any contractual transaction in conection with such contract of loan or credit pursuant to which the borrower acquired title to or an interest in the property encumbered to secure the loan or credit. For the purpose of any litigation seeking to enforce the contract of loan or credit, or any encumbrance securing the same; for the purpose of any contract or conveyance executed under a settlement or refinancing plan approved by the federal authority by which the original loan or guaranty was made; and for the purpose of making and executing any contract or conveyance necessary to the full realization of the rights, and privileges and benefits intended to be conferred by the federal law, pursuant to which the loan or guaranty was made, including contracts necessary for the proper utilization of the property acquired with the proceeds of such contract of loan or credit; the borrower and his spouse shall be deemed to be of full age.

Mr. Baer moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third

reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as, follows, viz:

Those who voted in the affirmative were—

Bill Adams	Herbert Fern	Ewin C. Neville
Dr. John Adkins, Jr.	Wm. P. Friedlander	Bart N. Peak
Henry Arrowood	Leslie Gay	Louis T. Peniston
J. Everett Bach	Henry J. Giles	Hobart Rayburn
Sidney Baer	Charles M. Greene	J. F. Robinson
John Rhea Banton	Henry C. Hale	Joe Rouse
Clarence J. Barnum	Eugene B. Hancock	Carl J. Ruh
Owen Billington	William K. Henry	Amos Runyon
William W. Blanton	Thomas D. Hewlett	Cecil Sanders
J. C. Bradley	Henry R. Heyburn	Clem Schroader
Ed T. Breathitt	E. R. Hilton	Gus F. Sheehan, Jr.
Edw. O. Bridgers	Chester J. Holsclaw	Dr. B. F. Shields
Thomas L. Britton	William M. Horn	John A. Sloan
Alex H. Calvert	Paul S. Jonas	Mrs. Thelma Stovall
Walter J. Chyle, Jr.	William L. Jones	E. H. (Ted) Stumbo
Marvin A. Cornett	Jennings Kearby	Egbert V. Taylor
R. Josh Cosby	James W. Lambert	Albert Thomason
Charles M. Crowe	Paul M. Lewis	William F. Threlkeld
J. C. Denney, Jr.	Mrs. J. T. Linton	J. B. Veech
C. E. Dowell	Harry K. Lowman	Eulick (Mike) Walsh
James A. Dressman, Jr.	Shelby McCallum	Wm. Thos. Wathen
Thomas R. Duncan	Russell L. Meadows	L. M. Weathers
R. L. Dunigan	Tom Mobley	Hicks Wells
Jack Early	Walter R. Moorman	Walker H. Wiseman
William Engle	Earl F. Murphy	Garrett L. Withers
Roscoe Estep	Thomas J. Murphy	—77

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be returned to the Senate.

Mr. Lowman moved that H. B. 280 be taken from the Orders of the Day and placed upon its passage, said bill by its title only is as follows, viz:

H. B. No. 280. AN ACT relating to the use of professional titles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) No person shall, in connection with the practice of medicine, surgery, osteopathy, optometry, dentistry, chiropody, pharmacy, chiropractic, psychology or psychiatry, nursing, anestheiology, physio or physical therapy, or any other profession or business having for its purpose the diagnosis, treatment, correction or cure of any human ailment, condition, disease, injury or infirmity, hold himself out as a Doctor or employ or use in any manner the title "Doctor" or "Dr.", unless he actually has graduated and holds a doctor degree from a school, college, university or institution authorized by its governing body to confer such degree.

(2) No person who holds a doctor degree, as provided in subsection (1) of this section, shall use or employ the title "Doctor" or "Dr." in or upon any letter, statement, card, prescription, sign listing or other writing, without affixing suitable words or letters designating the particular doctor degree held by such person.

Section 2. Nothing in this Act shall be construed as authorizing the unlicensed practice of any profession or business referred to in section 1. Nor shall anything in this Act be construed as repealing or amending any law or laws relating to licensure or regulation of the professions or business referred to in Section 1.

Section 3. (1) Each violation of subsection (1) of section 1 shall, for the first offense, be punishable by a fine of not less than two hundred and fifty dollars nor more than one thousand dollars or by imprisonment for not less than thiry nor more than ninety days or both, and, for each subsequent offense, by

a fine of not less than one thousand dollars nor more than five thousand dollars or by imprisonment at hard labor in a penitentiary for not less than one nor more than three years, or both.

(2) Each violation of subsection (2) of section 1 shall, for the first offense, be punishable by a fine of not less than one hundred dollars nor more than three hundred dollars or by imprisonment for not less than ten nor more than thirty days, or both, and, for each subsequent offense, by a fine of not less than two hundred and fifty dollars nor more than one thousand dollars or by imprisonment for not less than thirty nor more than ninety days or both.

(3) Each day of violation of either subsection of section 1 shall constitute a separate offense.

Mr. Lowman, of the Committee to which said bill had been referred, offered the following amendment, viz:

Amend printed copy of House Bill 280 on Page 2, section 3, line 1

By striking out all of Section 3 and substituting in lieu thereof the following:

Section 3. (1) Each violation of subsection (1) of section 1 shall, for the first offense, be punishable by a fine of not less than fifty dollars nor more than three hundred dollars or by imprisonment for not more than thirty days or both, and, for each subsequent offense, by a fine of not less than three hundred dollars nor more than one thousand dollars or by imprisonment for not more than one year, or both.

(2) Each violation of subsection (2) of section 1 shall, for the first offense, be punishable by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or both, and, for each subsequent offense, by a fine of not less than one hundred dollars nor more than two hundred and fifty dollars or by imprisonment for not more than ninety days or both.

(3) Each day of violation of either subsection of section 1 shall constitute a separate offense.

Said motion was agreed to.

Said amendment was adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Ordered that said bill be engrossed and read at length for the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	R. L. Dunigan	Jennings Kearby
Dr. John Adkins, Jr.	Jack Early	Paul M. Lewis
J. Everett Bach	Harold Edwards	Mrs. J. T. Linton
Sidney Baer	William Engle	Harry K. Lowman
John Rhea Banton	Herbert Fern	Shelby McCallum
Clarence J. Barnum	Wm. Freidlander	G. Lee McClain
Owen Billington	Leslie Gay	Russell L. Meadows
William W. Blanton	Henry J. Giles	Tom Mobley
J. C. Bradley	Charles M. Greene	Robert H. Moore
Edw. O. Bridgers	Henry C. Hale	Walter R. Moorman
Thomas L. Britton	Eugene B. Hancock	Earl F. Murphy
Alex H. Calvert	John Head	Thomas J. Murphy
Walter J. Chyle, Jr.	William K. Henry	Ewin C. Neville
Marvin A. Cornett	Thomas D. Hewlett	Bart N. Peak
R. Josh Cosby	Henry R. Heyburn	Louis T. Peniston
Charles M. Crowe	Chester J. Holsclaw	Hobart Rayburn
C. E. Dowell	William M. Horn	Tipton Reed
James A. Dressman, Jr.	Paul S. Jonas	J. F. Robinson
Thomas R. Duncan	William L. Jones	Carl J. Ruh

Amos Runyon	Egbert V. Taylor	L. M. Weathers
Cecil Sanders	Albert Thomason	Morris Weintraub
Dr. B. F. Shields	Wm. F. Threlkeld	Hicks Wells
John A. Sloan	J. B. Veech	Walker H. Wiseman
Mrs. Thelma Stovall	Eulick (Mike) Walsh	Garrett L. Withers
E. H. (Ted) Stumbo	T. Wm. Wathen	—74

There voted in the negative—

Gus F. Sheehan, Jr. —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Holsclaw moved that the rules be suspended for the purpose of making a motion.

Said motion was agreed to.

Mr. Holsclaw moved that Tom H. Smith and James P. Smith of Louisville, Kentucky, be made Honorary Pages of the General Assembly for the 1952 Session.

Mr. Lowman moved that the House do now adjourn until 1:00 o'clock p.m., Tuesday, February 26, 1952.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, FEBRUARY 26, 1952

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House opened with prayer with Reverend Will B. Campbell, Methodist Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bill Adams	Henry J. Giles	Bart N. Peak
Dr. John Adkins, Jr.	Charles M. Greene	Louis T. Peniston
Henry Arrowood	Henry C. Hale	Tipton Reed
J. Everett Bach	Eugene B. Hancock	J. F. Robinson
Sidney Baer	George F. Harris	Earl Rogers
John Rhea Banton	John Head	Joe Rouse
Clarence J. Barnum	Farmer Helton	Carl J. Ruh
Owen Billington	William K. Henry	Amos Runyon
William W. Blanton	Thomas D. Hewlett	Cecil Sanders
R. O. Blevins	Henry R. Heyburn	Clem Schroader
J. C. Bradley	E. R. Hilton	Gus F. Sheehan, Jr.
Ed. T. Breathitt	Chester J. Holsclaw	Dr. B. F. Shields
Edward O. Bridgers	William M. Horn	John A. Sloan
Thomas L. Britton	Paul S. Jonas	E. A. Spencer
Alex H. Calvert	William L. Jones	Mrs. Thelma Stovall
Walter J. Chyle, Jr.	Jennings Kearby	E. H. (Ted) Stumbo
Lewis W. Combest	James W. Lambert	Egbert V. Taylor
Marvin A. Cornett	Jesse H. Lawrence	Wm. F. Threlkeld
R. Josh Cosby	Paul M. Lewis	Marion Vance
Charles M. Crowe	Mrs. J. T. Linton	J. B. Veech
J. C. Denney, Jr.	Harry K. Lowman	Eulick (Mike) Walsh
C. E. Dowell	William Maglinger	Wm. Thos. Wathen
James A. Dressman, Jr.	Shelby McCallum	L. M. Weathers
Thomas R. Duncan	G. Lee McClain	Morris Weintraub
R. L. Dunigan	Russell L. Meadows	Hicks Wells
Jack Early	Tom Mobley	William B. Wells
Harold Edwards	Robert H. Moore	W. A. (Pete) Wickliffe
William Engle	Walter R. Moorman	Walker H. Wiseman
Roscoe Estep	Fred H. Morgan	Garrett L. Withers
Herbert Fern	Earl F. Murphy	Charles W. Burnley,
Wm. P. Friedlander	Thomas J. Murphy	Speaker
Leslie Gay	Ewin C. Neville	—94

Mr. Baer moved that the absentees be granted a leave of absence.

Said motion was agreed to.

The absentees were as follows, viz: Mrs. Mary E. Burnete, Ray Holbrook, Hobart Rayburn, Albert Thomason, W. W. Webster, and Charles W. Wirsch.

Mr. Barnum moved that the reading of the Journal of the proceedings of Monday, February 25, 1952, be dispensed with, and the same be approved.

Said motion was agreed to.

REPORT OF THE ENROLLMENT COMMITTEE

Mr. Henry on the Committee on Enrollment to which the same had been referred, reported that they had examined and found to be correctly enrolled, bills and a resolution of the following titles, viz:

H. Res. 9. Resolution memorializing Congress to continue to maintain and operate certain improvement in Ky. River.

H. B. 70. AN ACT relating to fertilizer.

H. B. 96. AN ACT relating to elections precincts amending KRS.

H. B. 97. AN ACT relating to voting procedure.

H. B. 98. AN ACT relating to absent voting amending KRS.

H. B. 99. AN ACT relating to support of children, amending KRS.

H. B. 100. AN ACT relating to the Department of Welfare, including smoking, smoking regulations in the Penal Institution and Houses of Reform.

H. B. 101. AN ACT relating to the trust and agency fund of the metal stamps plant in Department of Welfare.

H. B. 127. AN ACT concerning water works in cities other than the first class.

H. B. 148. AN ACT concerning promotion of agriculture and horticulture.

H. B. 152. AN ACT relating to ad valorem tax system of the state, counties, etc. and all taxing districts.

H. B. 157. AN ACT relating to children, child welfare in general.

Thereupon, all other business was suspended, said bills and resolution were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the Enrolling Clerk of this House deliver said bills and resolution to the Senate.

After a time the enrolling Clerk aforesaid, delivered the original and enrolled copies of said bills duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills and resolution to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Weintraub, moved that House Bill 400 be taken from the Calendar, and committed to the House of Representatives sitting as a Committee of the Whole, for the purpose of further considering and reporting on the subject matter of said House Bill 400.

Two members, Mr. Weintraub and Calvert, having requested a roll call, which was granted.

Said roll call is as follows, viz:

Those who voted in the affirmative were—

Bill Adams	L. R. Dunigan	James W. Lambert
Thomas L. Britton	Jack Early	Fred H. Morgan
Walter J. Chyle, Jr.	Leslie Gay	Clem Schroader
Marvin A. Cornett	Charles M. Greene	John A. Sloan
Charles M. Crowe	Henry R. Heyburn	Morris Wientraub
J. C. Denney, Jr.		—16

Those who voted in the negative were—

Dr. John Adkins, Jr.	John Rhea Banton	R. O. Blevins
Henry Arrowood	Clarence J. Barnum	J. C. Bradley
J. Everett Bach	Owen Billington	Ed T. Breathitt
Sidney Baer	William W. Blanton	Edward O. Bridgers

Alex H. Calvert	Paul S. Jonas	Carl J. Ruh
R. Josh Cosby	Jennings Kearby	Amos Runyon
C. E. Dowell	Paul M. Lewis	Cecil Sanders
James A. Dressman, Jr.	Mrs. J. T. Linton	Gus F. Sheehan, Jr.
Thomas R. Duncan	Harry K. Lowman	Dr. B. F. Shields
Harold Edwards	William Maglinger	Mrs. Thelma Stovall
William Engle	Shelby McCallum	E. H. (Ted) Stumbo
Herbert Fern	G. Lee McClain	Wm. F. Threlkeld
Wm. P. Friedlander	Robert H. Moore	Marion Vance
Henry J. Giles	Walter R. Moorman	J. B. Veech
Henry C. Hale	Earl F. Murphy	Eulick (Mike) Walsh
George F. Harris	Thomas J. Murphy	Wm. Thos. Wathen
John Head	Ewin C. Neville	L. M. Weathers
Farmer Helton	Bart N. Peak	Hicks Wells
William K. Henry	Louis T. Peniston	William B. Wells
Thomas D. Hewlett	Tipton Reed	W. A. (Pete) Wickliffe
E. R. Hilton	J. F. Robinson	Walker H. Wiseman
Chester J. Holsclaw	Earl Rogers	Garrett L. Withers
William M. Horn	Joe Rouse	—68

Mr. Morgan moved that the Motion made by Mr. Weintraub, be tabled.

Said motion was disagreed to.

Mr. Combest moved that H. B. 71 be taken from the Committee on Regulation of Intoxicating Liquor, and be read into the Calendar.

Two members, Mr. Combest and Sloan, having requested a roll call, which was granted.

Said roll call is as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Marvin A. Cornett	Henry J. Giles
Dr. John Adkins, Jr.	Charles M. Crowe	Charles M. Greene
Owen Billington	J. C. Denney, Jr.	Eugene B. Hancock
J. C. Bradley	R. L. Dunigan	John Head
Thomas L. Britton	Jack Early	Farmer Helton
Walter J. Chyle, Jr.	Roscoe Estep	Thomas D. Hewlett
Lewis W. Combest	Leslie Gay	E. R. Hilton

Jennings Kearby	J. F. Robinson	Wm. F. Threlkeld
James W. Lambert	Joe Rouse	Marion Vance
Paul M. Lewis	Cecil Sanders	L. M. Weathers
Mrs. J. T. Linton	Clem Schroader	Morris Weintraub
Harry King Lowman	Dr. B. F. Shields	Hicks Wells
Ewin C. Neville	John A. Sloan	W.A.(Pete)Wickliffe
Bart N. Peak	E. A. Spencer	Walker H. Wiseman
Tipton Reed	E. H. (Ted) Stumbo	Garrett L. Withers

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Those who voted in the negative were—

Henry Arrowood	Wm. P. Friedlander	Walter R. Moorman
Sidney Baer	William K. Henry	Fred H. Morgan
John Rhea Banton	Henry R. Heyburn	Earl F. Murphy
Clarence J. Barnum	Chester J. Holsclaw	Thomas J. Murphy
William W. Blanton	William M. Horn	Louis T. Peniston
Edw. O. Bridgers	Paul S. Jonas	Carl J. Ruh
R. Josh Cosby	William Maglinger	Gus F. Sheehan, Jr.
James A.Dressman,Jr.	G. Lee McClain	Eulick (Mike) Walsh
Thomas R. Duncan	Robert H. Moore	Wm. Thos. Wathen

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Mr. Morgan moved that the time limit to speak for or against the previous motion on H. B. 71 be extended.

Said motion was agreed to.

Mr. Early moved the Previous Question on said motion.

Said motion was agreed to.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and a resolution of the following titles were introduced, viz:

By Mr. Baer.

H. Res. 44. A RESOLUTION commending the activities of the Industrial Development Committee of the Kentucky Chamber of Commerce.

Said resolution is as follows, viz:

A RESOLUTION commending the activities of the Industrial Development Committee of the Kentucky Chamber of Commerce.

WHEREAS, there exists and is functioning in the Kentucky Chamber of Commerce a committee known as the Industrial Development Committee; and

WHEREAS, the said Industrial Development Committee was established for the purpose of promoting the economic improvement of the cities and counties of the Commonwealth of Kentucky, and

WHEREAS, new and expanded industry of a value in excess of one billion dollars was announced for construction in Kentucky during the year 1951; and

WHEREAS, the establishment of new industries and expansion of existing major manufacturing plants will provide approximately 27,000 additional jobs and an additional annual payroll in excess of $80,000,000 in Kentucky; and

WHEREAS, the activities of the said Industrial Development Committee have in large measure contributed to industrial expansion in Kentucky; now therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Industrial Development Committee of the Kentucky Chamber of Commerce be commended for its activities in the interest of promoting economic improvement in the cities and counties of this Commonwealth and that this Resolution should serve as an expression of the General Assembly of the Commonwealth of Kentucky for the resulting industrial expansion attributable to the activties of said Industrial Development Committee.

Said resolution was adopted by voice vote.

By Mr. Wickliffe.

H. B. 415. AN ACT relating to banking.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. . As used in this Act, unless the context requires otherwise:

(1) "Commissioner" means Commissioner of Banking.

(2) "State bank" means a bank or trust company organized under the provisions of Chapter 287 of the Kentucky Revised Statutes.

(3) "National banking association" means one or more national banking associations.

Section 2.

(1) A national banking association may convert into or merge with a State bank under a State charter, provided that:

(a) The action taken complies with Federal law;

(b) In the case of a merger, the institutions to be merged are located in the same city or county.

(2) In the case of each conversion, a written plan of conversion shall be submitted, in duplicate, to the Commissioner. Such plan shall be in form satisfactory to the Commissioner, shall prescribe the terms and conditions of the conversion and the mode of carrying it into effect, and shall have annexed thereto and forming a part thereof the proposed articles of incorporation of the State bank which is to result from the conversion. Such articles of incorporation shall be in the form prescribed by law for the organization of State banks, with such variations, if any, as shall be satisfactory to the Commissioner. With such plan of conversion there shall be submitted, in duplicate, to the Commissioner a certificate of the president, secretary or cashier of the national banking association certifying that all steps have have been taken which are necessary under Federal law to the consummation of the conversion. The Commissioner shall approve or disapprove such plan of conversion within sixty days of the submission thereof to him. If the Commissioner shall approve such plan, he shall file one duplicate thereof, together with one duplicate of such certificate submitted therewith and the original of the approval of the Commissioner, in the office of the Commissioner, and the other duplicate of such plan, together with a duplicate of such certificate and a duplicate of the Commissioner's approval, shall be filed in the office of the Clerk of the County in which the principal office of the State bank is

to be located. After such filing in the office of the Commissioner, the conversion shall become effective upon the the filing and recording of the articles of incorporation as provided in Section 287.050 of the Kentucky Revised Statutes, unless a later date is specified in the plan, in which event the conversion shall become effective upon such later date.

(3) In the case of each merger, a written plan of merger shall be submitted, in duplicate, to the Commissioner. Such plan shall be in form satisfactory to the Commissioner and shall prescribe the terms and conditions of the merger and the mode of carrying it into effect. Such plan may provide the name to be borne by the State bank, as receiving corporation, if such name is to be changed. Such plan may also name the persons who shall constitute the first board of directors of the State bank after the merger shall have been accomplished, provided that the number and qualifications of such persons shall be in accordance with the provisions of Chapter 287 of the Kentucky Revised Statutes relating to the number and qualifications of directors of a State bank; or such plan may provide for a meeting of the stockholders to elect a board of directors within sixty days after such merger, and may make provision for conducting the affairs of the State bank meanwhile. With such plan of merger there shall be submitted, in duplicate, to the Commissioner the following:

(a) By the national banking association, a certificate of the president, secretary or cashier of such association certifying that all steps have been taken which are necessary under Federal law to the consummation of their merger;

(b) By the State bank, a certificate of the president, secretary or cashier certifying that such plan of merger has been approved by the board of directors of the State bank by a majority vote of all the members thereof, that such plan has been submitted to the stockholders of the State bank at a meeting thereof held upon notice of at least fifteen days, specifying the time, place and object of such meeting and addressed to each stockholder at the address appearing upon the books of the State bank and published for at least two successive weeks in one newspaper in the county in which the State bank has its

principal place of business, and that such plan of merger has been approved at such meeting by the vote of the stockholders owning at least two-thirds in amount of the stock of the State bank.

The Commissioner shall approve or disapprove such plan of merger within sixty days of such submission thereof to him. If the Commissioner shall approve such plan, he shall file one duplicate thereof, together with one duplicate of each of such certificates and the original of the approval of the Commissioner, in the office of the Commissioner, and the other duplicate of such plan, together with a duplicate of each of such certificates and a duplicate of the Commissioner's approval, shall be filed in the office of the Clerk of the County in which the principal office of the State bank is to be located. Upon such filing in the office of the Commissioner, the merger shall become effective, unless a later date is specified in the plan, in which event the merger shall become effective upon such later date.

(4) At the time when such conversion or merger becomes effective:

(a) The resulting State bank shall be considered the same business and corporate entity as the national banking association, although as to rights, powers and duties, the resulting bank is a State bank;

(b) All of the property, rights and powers and franchises of the national banking association shall vest in the resulting State bank and the resulting State bank shall be subject to and deemed to have assumed all of the debts, liabilities, obligations and duties of the national banking association and to have succeeded to all of its relationships, fiduciary or otherwise, as fully and to the same extent as if such property, rights, powers, franchises, debts, liabilities, obligations, duties and relationships had been originally acquired, incurred or entered into by the resulting State bank; provided, however, that the resulting State bank shall not, through such conversion or merger, acquire power to engage in any business or to exercise any right, privilege or franchise which is not conferred by the provisions of Chapter 287 of the Kentucky Revised Statutes upon such resulting State bank;

(c) Any reference to the national banking association in any contract, will or document, whether executed or taking effect before or after the conversion or merger, shall be considered a reference to the resulting State bank if not inconsistent with the other provisions of the contract, will or document;

(d) A pending action or other judicial proceeding to which the national banking association is a party, shall not be deemed to have abated or to have discontinued by reason of the conversion or merger, but may be prosecuted to final judgment, order or decree in the same manner as if the conversion or merger had not been made; or the resulting State bank may be substituted as a party to such action or proceeding, and any judgment, order or decree may be rendered for or against it that might have been rendered for or against the national banking association if the conversion or merger had not occurred.

Section 3.

(1) A State bank may convert into, or merge or consolidate with, a national banking association under the charter of a national banking association in the manner provided by Federal law and without approval of any State authority.

(2) The franchise of a State bank as a State bank shall automatically terminate when its conversion into or its merger or consolidation with a national banking association under a Federal charter is consummated and the resulting national banking association shall be considered the same business and corporate entity as the State bank, although as to rights, powers and duties the resulting bank is a national banking association.

(3) At the time when such conversion, merger or consolidation becomes effective:

(a) All of the property, rights, powers and franchises of the State bank shall vest in the national banking association and the national banking association shall be subject to and be deemed to have assumed all of the debts, liabilities, obligations and duties of the State bank and to have succeeded to all of its relationships, fiduciary or otherwise, as fully and to the same extent as if such property, rights, powers, franchises, debts,

liabilities, obligations, duties and relationships had been originally acquired, incurred or entered into by the national banking association;

(b) Any reference to the State Bank in any contract, will or document, whether executed or taking effect before or after the conversion, merger or consolidation, shall be considered a reference to the national banking association if not inconsistent with the other provisions of the contract, will or document;

(c) A pending action or other judicial proceeding to which the State bank is a party, shall not be deemed to have abated or to have discontinued by reason of the conversion, merger or consolidation, but may be prosecuted to final judgment, order or decree in the same manner as if the conversion, merger or consolidation had not been made; or the national banking association may be substituted as a party to such action or proceeding, and any judgment, order or decree may be rendered for or against it that might have been rendered for or against the State bank if the conversion, merger or consolidation had not occurred.

Section 4. The methods and procedures set out in this Act are authorized in addition to any other methods or procedures for the accomplishment of the same or similar purposes which heretofore may have been established by law. It is the purpose of this Act to make effective in this Commonwealth the provisions and purposes of the Act of Congress dated August 17, 1950, which is compiled as Chapter 729 of Volume 64 of the United States Statutes, and as 12 U.S.C.A. Sec. 214.

Section 5. WHEREAS, a number of banks have expressed an interest in availing themselves of the privileges established by the Federal Act and this Act, and the availability of such privileges will be beneficial to the financial structure of this Commonwealth,

NOW, THEREFORE; a emergency is declared to exist and this Act shall take effect from and after its passage and approval by the Governor, or from and after such time as this Act becomes effective without the approval of the Governor.

Said bill was ordered printed and referred.

By Mr. Sheehan and Greene.

H. B. 416. AN ACT concerning contest of election of Governor, Lieutenant Governor or member of the General Assembly.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 1222.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) No application to contest the election of a Governor, Lieutenant Governor or member of the General Assembly shall be heard unless written notice, signed by the party contesting, is given and a bond in the amount of $1,000 with sufficient corporate surety is executed to secure the payment of costs and attorneys' fees to the successful party. The notice shall state the grounds of the contest, and none other shall afterwards be heard as coming from that party, but the contestee may make defense without giving counternotice.

Section 2. Subsection (4) of Section 122.110 of the Kentucky Revised Statutes is amended to read as follows:

(4) The costs of the proceeding and a reasonable attorney's fee for the attorney or attorneys employed by the successful party shall be adjudged against the unsuccessful party, and a certificate thereof shall be given by the clerk of the Senate or the Clerk of the House, as the case requires. A judgment for the costs may be obtained after five days' notice in a circuit or county court.

Said bill was ordered printed and referred.

By Mr. Bridgers.

H. B. 417. AN ACT concerning public road districts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 184.020 of the Kentucky Revised Statutes is amended to read as follows:

A public road district may be established in the following manner: Any person or group of persons owning property abutting upon any public road (which is neither a county road nor a state road), in counties outside of and containing cities of the first class may sponsor the creation of such a road district. The sponsors shall first prepare or have prepared for them a map of that section of such public road which they desire to have improved. Such map shall show the boundary lines of the road, the intersections with other roads and the terminal points on the road desired to be improved, one of which shall be the center line of an intersection with another road, and shall set forth on such map the names of the owners of all property and the number of the linear feet owned by them abutting upon such road. The sponsors of said road district shall also have estimated for them by an engineer, who must be a private engineer licensed by the Commonwealth of Kentucky pursuant to KRS Chapter 322, the approximate cost of constructing the improvements desired, together with a statement of the approximate cost which shall be borne by each owner of property abutting on the road, determined by the number of linear feet of property owned by each abutting property holder. Said sponsors of said road district shall also prepare a petition and shall attach to said petition the aforesaid maps and statements of cost.

Said bill was ordered printed and referred.

By Mr. Bridgers.

H. B. 418. AN ACT relating to barbers and beauty specialists.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 317.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fee for an examination for barber or beauty specialist shall be fifteen dollars, and for the issuance of a license,

eight dollars. The fee for renewal of any barber's or beauty specialist's license, including an apprentice's license, shall be five dollars, and for the restoration of an expired license, eight dollars.

(2) The fee for an examination for an apprentice barber or beauty specialist shall be ten dollars, and for the issuance of the license, three dollars.

(3) The fee for an examination for manicurist shall be ten dollars, and for the issuance of a license, three dollars. The fee for the restoration or renewal of a manicurist's license shall be five dollars.

(4) The fee for an examination for teacher of beauty culture or barbering shall be twenty-five dollars, and for the issuance of a teacher's license, ten dollars. The fee for renewal or restoration of a teacher's license shall be ten dollars.

(5) The annual license fee for a school of barbering or beauty culture shall be twenty-five dollars.

(6) The annual license fee for each barber shop or beauty shop shall be three dollars.

Section 2. Section 317.190 of the Kentucky Revised Statutes is amended to read as follows:

A duplicate license certificate shall be issued to an applicant filing a statement verified by his oath and covering the loss of his certificate. A fee of two dollars shall be charged for the issuance of a duplicate. Each duplicate shall have the word "duplicate" stamped across its face, and shall bear the same date and show the number of the original certificate.

Section 3. Subsection (1) of section 317.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) No school of barbering or beauty culture shall be approved by the board unless it requires as a prerequisite to graduation, a course of instruction of not less than twelve hundred hours, to be completed in not less than six months of not more than ten hours a day. The course of instruction shall include the following subjects: Histology of the hair, skin, nails, muscles and nerves of the face and neck; elementary chemistry, relating to sterilization and antiseptics; diseases of the skin, hair and glands;

massaging and manipulating of the muscles of the upper body; cutting, shaving, arranging, dressing, coloring, bleaching and tinting the hair, and such other courses as scientific research and progress in the future render desirable.

Section 4. Section 317.210 of the Kentucky Revised Statutes is amended to read as follows:

The board may refuse to issue or renew, or may suspend or revoke any license for any of the following causes:

(1) The conviction of a felony, as shown by a certified copy of a judgment of conviction of any court.

(2) Gross malpractice or gross incompetency.

(3) Continued practice by a person knowingly having an infectious or contagious disease.

(4) Habitual drunkeness or habitual addiction to morphine, cocaine or other habit-forming drugs.

(5) The use of any place or premise for barbering or beauty culture that is also used in any manner or at any time for sleeping, residential or business purposes, except the sale of hair tonics, lotions, creams and such other commodities as are used in barber and beauty shops, unless every portion of the place or premise used in connection with the practice of barbering or beauty culture is separated by a permanent partition of ceiling height from that portion used for sleeping, residential or business purposes.

(6) Advertising by known false means or deceptive statements, or advertising prices and barber services in any form, or in any way suggestive of prices.

(7) The violation of this chapter or any regulation of the board.

(8) Continuing to be employed in a beauty shop, barber shop, barber school or beauty school in which the sanitary regulations of the board for the regulation of beauty shops, barber shops, beauty schools or barber schools are known by the beauty specialist, barber, apprentice or manicurist to be violated.

(9) Immoral or unprofessional conduct.

(10) Performing any of the services constituting barbering or beauty culture for pay, free, or otherwise on Sunday.

Section 5. Section 317.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board shall elect a president and appoint a secretary. Each member of the board shall receive, as compensation for actual attendance on legally assembled meetings of the board, fifteen dollars for each day he attends as shown by the record, and shall be reimbursed for necessary traveling expenses.

Section 6. Section 317.320 of the Kentucky Revised Statutes is amended to read as follows:

No apprentice may practice barbering or beauty culture independently but may do any act constituting the practice of barbering or beauty culture under the immediate supervision of a licensed barber or beauty specialist. No licensed barber or beauty shop shall employ more than one apprentice to every two licensed barbers or operators. Apprentice barbers shall serve their apprenticeship under licensed barbers, and apprentice beauty specialists shall serve their apprenticeship under licensed beauty specialists.

Section 7. Section 317.990 of the Kentucky Revised Statutes is amended to read as follows:

Any person who violates any provision of this chapter shall be fined not less than nineteen dollars nor more than five hundred dollars, or imprisonment for not less than ten days nor more than thirty days, or both.

Said bill was ordered printed and referred.

By Mr. Horn.

H. B. 419. AN ACT relating to the naming of United States route number twenty-three, the "United Spanish War Veterans Memorial Highway" in the Commonwealth of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) United States route number twenty-three entering Kentucky at South Portsmouth and running across the northeast section of this Commonwealth through the counties of Greenup, Boyd, Lawrence, Johnson, Floyd, Pike and Letcher, and through the municipalities of Greenup, Ashland, Louisa, Paintsville, Pikeville and Jenkins, and to the Virginia state line at Pounds Gap, Virginia is hereby declared to be, and shall henceforth be known as, the "United Spanish War Veterans Memorial Highway.

(2) The designation in subsection (1) of this section shall not interfere with the former designation of that part of United States route number twenty-three known as "Mayo Trail" but is in addition thereto.

(3) The Commissioner of Highways shall provide for the erection of suitable markers upon said route indicating the name of the highway.

Said bill was ordered printed and referred.

REPORT OF THE ENROLLMENT COMMITTEE

Mr. Henry on the Committee on Enrollment to which the same had been referred, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz:

S. B. 115. AN ACT relating to Compensation and Maintenance of persons performing public service in positions requiring the service of a physician.

S. B. 138. AN ACT relating to Condemnation of property for construction of highways.

S. B. 140. AN ACT relating to a department of mental Health and its establishment, organization, etc.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the Enrolling Clerk return said bills to the Senate.

COMMITTEE REPORT

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 368. AN ACT appropriating money out of the General Expenditure Fund for the fiscal year ending June 30, 1952, for expenses of sessions of the General Assembly, and declaring an emergency to exist.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 369. AN ACT relating to the Division of Publicity, amending KRS 146.060.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 326. AN ACT relating to eminent domain.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 327. AN ACT relating to the construction of pipe lines.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and Ordered placed in the calendar.

Mr. Clarence Barnum, Chairman of the Committee on Cities of the First Class, to which same had been previously referred, reported a bill of the following title, viz:

S. B. 147. AN ACT relating to the control and suppression of air pollution; etc.

With the expression of opinion that same should pass with committee amendments as follows:

Amend. No. 1—On Page 12, section 22, line 8—Strike the word "officers" and substitute the word "offices" in lieu thereof.

Amend. No. 2—On Page 6, section 13, line 2—Strike word "of" and substitute the word "by" so that the latter part of the sentence will then read "resolution by the fiscal court."

Amend. No. 3—On Page 29, Section 70, line 6 and 7—After the word "of" on line 6 strike the remainder of the line and all of line 7 and substitute the following in lieu thereof: "A resolution by the fiscal court and the passage of an ordinance by the legislative body of a city of"

Amend. No. 4—On page 18, section 37, line 10—Strike the word "of" and substitute the word "on" in lieu thereof.

Amend. No. 5—On page 23, section 50 (2), line 15—Strike "the contract" and substitute in lieu thereof "such contracts"

Amend. No. 6—On page 23, section 53, line 2—Omit the comma after the word "holder" and insert it after the word "of" so that the latter part of that line will then read as follows: "or holder of, any permit."

Amend. No. 7—On page 24, section 59, line 4—Strike word "a"

Amend. No. 8—On page 29, section 68, line 19—Change the word "with" to "within"

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Louis T. Peniston, Chairman of the Committee on Courts

and Legal Procedure, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 356. AN ACT relating to the practice of law and the State Bar Association, amending section 30.170 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Walter R. Moorman, Chairman of the Committee on Agriculture, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 179. AN ACT relating to cattle or any species as thereof running at large.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and Ordered placed in the calendar.

Mr. Louis T. Peniston, Chairman of the Committee on Courts and Legal Procedure, to which same had been previously referred, reported a bill of the following title, viz:

H. B. 257. AN ACT relating to the appointment of a stenographer to the Commonwealth attorney in counties containing a city of the second class, etc.

With the expression of opinion that same should not pass.

No motion having been made to give said bill a first reading, the report of the committee to the contrary notwithstanding, it was ordered that said bill be not read the first time, and

So said bill was rejected.

The House took up for consideration from the Calendar, bills of the following titles, viz:

H. B. 400. AN ACT relating to redistricting the Commonwealth of Kentucky into eight Congressional Districts amending Section 120.060 of the Kentucky Revised Statutes.

S. B. 155. AN ACT to amend and re-enact Section 91.140, Kentucky Revised Statutes, relating to election of officers and the appointment of employees of Sinking Funds of Cities of the

first class and prescribing the powers and duties of such officers and employees.

S. B. 47. AN ACT concerning compensation of county commissioners.

H. B. 171. AN ACT relating to labor organizations.

H. B. 340. AN ACT relating to Industrial Relations.

Mr. Lowman moved that the second reading of said bills be dispensed with, and said bills be read by their titles only and placed in the Orders of the Day.

Said motion was agreed to.

ORDERS OF THE DAY

Mr. Lowman moved that H. B. 137 be taken from the Orders of the Day and placed upon its passage, said bill by its title only is as follows, viz:

H. B. 137. AN ACT relating to the diagnosis treatment of correction of all human conditions, ailments, diseases, injuries or infirmities, including the regulation and control of the practice of medicine and osteopathy and the sale of related medicines, instruments, apparatus, mechanisms and appliances.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act:

(1) "Board" means the State Board of Health.

(2) "President" means the President of the State Board of Health.

(3) "Secretary" means the Secretary of the State Board of Health, or any assistant Secretary thereof appointed as such by the Board.

(4) "Regular license" means a license to practice medicine or osteopathy at any place in this state.

(5) "Limited license" means a license to practice medicine for a limited time, place and purpose.

(6) "Temporary permit" means a permit issued to a person who has applied for a regular license, and who appears to the Secretary to be qualified and eligible therefor.

(7) Except as provided in subsection (8) of this section, the "practice of medicine or osteopathy" means the diagnosis, treatment or correction of any and all human conditions, ailments, diseases, injuries or infirmities by any means, methods, devices or instrumentalities.

(8) The "practice of medicine" does not include the practice of Christian Science, the practice of dentistry as defined in KRS 313.010, the practice of optometry as defined in KRS 320.010, the practice of chiropractic as defined in KRS 312.010(2), the practice of nursing as defined in KRS 314.010, the practice of pharmacy by persons licensed and registered under KRS 315.050, the sale of drugs, nostrums, patented or proprietary medicines, trusses, supports, spectacles, eyeglasses, lenses, instruments, apparatus, or mechanisms that are intended, advertised or represented as being for the treatment, correction, cure or relief of any human ailment, disease, injury, infirmity or condition, in regular mercantile establishments, or the practice of midwifery by women; provided, however, that this Act shall not be construed as repealing the authority conferred on the Department of Health and its Division of Child Hygiene by KRS Chapter 211 to provide for the instruction, examination, licensing and registration of all midwives through county health officers.

Section 2. It is the declared policy of the General Assembly of Kentucky that the practice of medicine and osteopathy, and the sale of those items enumerated in subsection (2) of section 4, should be regulated and controlled as provided in this Act in order to prevent empiricism and to protect the health and safety of the public.

Section 3. (1) Except as provided in subsection (2) of this section, no person shall engage or attempt to engage in the practice of medicine or osteopathy within this state, or open, maintain or occupy an office or place of business within this state for engaging in the practice of medicine or osteopathy, or in any manner announce or express a readiness to engage in the practice of medicine or osteopathy within this state, unless he holds a valid and effective license or permit issued by the board as hereinafter provided.

(2) The provisions of subsection (1) of this section shall not apply to:

(a) Commissioned medical officers of the armed forces of the United States, or medical officers of the United States Public Health Service, the United States Veterans Administration and other agencies of the government of the United States of America, while said persons are engaged in the performance, within this state, of their official duties under federal laws.

(b) Persons, who being non-residents of Kentucky and lawfully licensed to practice medicine or osteopathy in their states of actual residence, infrequently engage in the practice of medicine or osteopathy within this state, when called to see or attend particular patients, without opening, maintaining or occupying an office or place of business within this state.

(c) Graduates of medical or osteopathic schools approved by the board, while engaged in performing supervised internship training approved by the board at hospitals in this State; provided, however, that this shall not be construed to otherwise exempt internes, or to exempt in any manner resident or staff physicians of hospitals, from the licensure requirements of this Act.

Section 4. (1) No person shall engage as an itinerant vendor or peddler of any drugs, nostrums, patent or proprietary medicines, trusses, supports, spectacles, eyeglasses, lenses, instruments, apparatus or mechanisms that are intended, advertised, or represented as being for the treatment, correction, cure or relief of any human ailment, disease, injury, infirmity or condition.

(2) No person, other than a person licensed by the board to practice medicine or osteopathy, shall sell or offer for sale to the general public in this state, any drugs, nostrums, patent or proprietary medicines, trusses, supports, spectacles, eyeglasses, lenses, instruments, apparatus or mechanisms that are intended, advertised or represented as being for the treatment, correction, cure or relief of any human ailment, disease, injury, infirmity or condition, except in regularly established mercantile establishments which

shall be subject to inspection at all times by representatives of the board. The provisions of this section are intended to be in addition to any existing laws relating to the subject matter treated herein.

Section 5. (1) Subject to the provisions of this Act, the board shall exercise all of the administrative functions of the state in the prevention of empiricism and in the regulation of the practice of medicine and osteopathy. The board is authorized to issue reasonable rules and regulations establishing requirements, standards and tests to determine the moral, physical, intellectual, educational, scientific, technical and professional qualifications of applicants for licenses and permits to practice medicine and osteopathy, and to issue, deny, suspend and revoke licenses, and to place licensees on probation, in compliance with the provisions of this Act, so as to carry out the legislative policy declared in section 2 of this Act.

(2) The board is authorized in its sound discretion to:

(a) Appoint one or more assistant secretaries, who need not be members of the board, and fix their compensation. Each assistant secretary shall be under the supervision and control of the secretary and shall be authorized to discharge the duties of the secretary as provided by this Act.

(b) Appoint one or more hearing officers, who need not be members of the board, and fix their compensation. Every such hearing officer shall be vested with the full and complete power and authority of the board to schedule and conduct hearings on behalf of and in the name of the board on all matters referred for hearing by the board or secretary thereof, including, among other things, proceedings for placing licensees on probation and for suspension and revocation of licenses, and shall cause to be prepared and furnished to the board, for decision thereon by the board, a complete written transcript of the record of the hearing which shall contain all evidence introduced at the hearing and all pleas, motions and objections and all rulings of the hearing officer. Every such hearing officer shall be authorized to administer oaths and issue summonses, notices and subpoenas, but shall not be empowered to place any licensee on probation or to issue, refuse, suspend or revoke any license.

(c) Promulgate, in the manner prescribed by subsection (4) of section 12, a code of conduct governing the practice of medicine and osteopathy, which shall be based upon generally recognized principles of professional ethical conduct.

(d) Utilize gratuitous services and facilities of professional organizations, and procure and receive the assistance and recommendations of said organizations in administering this Act.

(e) Make its personnel and facilities available to other regulatory boards, commissions and agencies of this state upon such terms and conditions for reimbursement as may be mutually agreed to by and between the board and such other board, commission or agency.

(f) Enter into reciprocal agreements with medical examining boards of other states, having qualifications and standards at least as high as those of this state, providing for reciprocal licensure without further examination of persons who have been duly licensed upon written examination. Approval of such agreements by the Governor, or any other officer or agency of this state, shall not be required.

(g) Issue regular licenses by reciprocity or endorsement, and without further examination, to persons who have been duly licensed upon written examination in another state having qualifications and standards at least as high as those of this state, or who have successfully passed an examination conducted by the National Board of Medical Examiners.

(h) Issue and renew, or refuse to issue or renew, or cancel and terminate limited licenses pursuant to rules and regulations prescribed by the board.

(i) Appoint examiners, who need not be members of the board, and employ or contract with the American Public Health Association or the National Board of Medical Examiners or other organizations, agencies or individuals to prepare examination questions and grade examination papers.

(j) Determine the schools, colleges, universities, institutions, and training acceptable in connection with licensure under this Act.

(k) Prescribe the time, place, method, manner, scope and subjects of examinations; provided, however, that at least two examinations shall be held annually.

(l) Prescribe all forms which it considers appropriate, and require the submission of photographs, fingerprints, and personal history data.

(m) Prescribe and collect, subject to the maximums set out herein, reasonable fees and charges for examinations and issuance of licenses and permits. The maximum fees and charges shall be as follows:

Admission to any complete examination, including regular or limited license issued pursuant thereto	$ 50.00
Application for licensure by reciprocity or endorsement	100.00
Certifying a licentiate of this state to the licensing agency of another state	10.00
Each renewal of a limited license	50.00
Temporary permit issued by secretary	25.00
Duplicate license certificate	10.00

Section 6. (1) No person shall be eligible for a regular license under this Act, unless (a) at least twenty-one years of age, (b) of good moral character, (c) a citizen of the United States of America, (d) graduated from an accredited high school or its equivalent and satisfactorily completed and graduated from a four year course of instruction in a medical or osteopathic school or college situated in the United States or Canada and approved by the board during the entire period of attendance thereat, (e) satisfactorily completed at least one year internship in an institution approved by the board, and (f) possessing all of the other qualifications that may be prescribed by rules and regulations of the board. Provided, however, that the foregoing shall not be construed to prohibit the board from issuing a regular license to persons who have attended medical or osteopathic schools or colleges situated outside the United States or Canada if such schools or colleges are approved by the board and if the applicant has successfully completed at least five years training in the United States in a hospital or other institution approved

by the board and has also successfully passed a regular examination conducted by the National Board of Medical Examiners.

(2) Subject to the exceptions set out herein, no person who possesses the qualifications set out in (a), (b) and (c) of subsection (1), and who has been graduated from an accredited high school, has satisfactorily completed a premedical course of instruction of at least two years in an accredited college or university, has satisfactorily completed and been graduated from a four year course of instruction in a medical or osteopathic school or college situated in the United States or Canada and approved by the American Medical Association or the American Osteopathic Association during the entire period of attendance thereat, and who has completed an internship of one year in a hospital approved for such training by the same associations, shall be denied admission to the examination in this state for a regular license, upon payment of the prescribed fee. However, the board may deny admission to the examination or refuse to issue a license upon successful passage of the examination upon proof that a person: (a) has been convicted for violating any state or federal narcotic or barbiturate law, (b) has had his license suspended or revoked in some other state, (c) has been convicted of a felony, (d) is emotionally unstable, (e) has been adjudged to be of unsound mind, (f) has violated section 9 of this Act, or (g) has engaged in any acts or conduct that would constitute grounds for suspension or revocation of a license under this Act.

(3) No person shall be eligible for a limited license unless (a) at least twenty-one years of age, (b) of good moral character, (c) a citizen of the United States, or has filed with a United States District Court "first papers" for United States citizenship, (d) actually residing in Kentucky at the time of making application or expressing in writing an intention to become an actual resident of this state after issuance of the limited license, (e) has been graduated from an accredited high school or its equivalent and completed a premedical course of instruction of at least two years in an accredited college or university and has satisfactorily completed and been graduated from a four (4) year course of instruction in a medical school approved by the board for limited licenses, and (f) possesses all the other

qualifications and education that may be prescribed by rules and regulations of the board.

(4) Except as provided by subsection (2) (g) of section 5, no license shall be issued except upon the successful passage of an examination as prescribed by the board. All applicants for a regular license must take the same general examination, and in addition, osteopathic applicants shall take an examination in osteopathic principles and practice.

(5) No person shall be deemed to have successfully passed an examination in this state unless he makes an average grade of at least seventy-five in all subjects prescribed by the board, and a grade of at least sixty-five in each subject.

(6) All examination papers shall be preserved for one year.

(7) No license shall be issued, refused, suspended or revoked by the board, nor shall any licensee be placed on probation, except in compliance with this Act and the rules and regulations promulgated thereunder by the board and filed with the Secretary of State of this Commonwealth pursuant to KRS Chapter 13.

Section 7. (1) Whenever, in the opinion of the secretary, an applicant for a regular license to practice medicine or osteopathy is eligible therefor under subsection (1) of section 6, the secretary may issue to such applicant, on behalf of the board, a temporary permit which shall entitle the holder to practice medicine or osteopathy in this state for a period of six months from date of issuance thereof unless the temporary permit is sooner cancelled by the secretary, who may cancel it at any time, without a hearing, for reasons deemed sufficient to him, and who shall cancel it immediately upon direction by the board or upon the board's denial of the holder's application for a regular license.

(2) The secretary shall present to the board the application for a regular license made by the holder of the temporary permit. In the event the board issues a regular license to the holder of a temporary permit, the fee paid in connection with any temporary permit then in effect shall be applied upon the prescribed license fee.

(3) When the secretary cancels a temporary permit, he shall promptly notify, by registered United States mail, the county court clerk of each county in which the temporary permit is registered, and also the holder of the temporary permit, at his last known address as reflected by the files of the board, and the temporary permit shall become terminated and of no further force and effect three days after the giving of said notice to the holder.

Section 8. (1) Every certificate of regular license, limited license, and temporary permit shall be in such form as is approved by the board or by the secretary thereof; provided, however, that each certificate shall be signed by the secretary and shall contain the date of issuance, the name of the person to whom issued and whether the holder is authorized to practice medicine or osteopathy.

(2) Limited license certificates, whether originals or renewals, shall expressly state the period therefor, which shall not be in excess of one year, and shall expressly state the nature and place of work authorized thereunder.

(3) Temporary permits shall expressly state the date of issuance, that they shall be for a period of not more than six months from date of issuance, and that they are subject to cancellation as provided by section 7.

Section 9. (1) No person who is required to be licensed by the board under the provisions of this Act, shall engage or attempt to engage in the practice of medicine or osteopathy as defined by this Act unless and until he exhibits to and causes to be registered by the county court clerk of the county of this state in which he resides, if a resident of Kentucky, and of each county in which he regularly engages in practice, a license certificate issued by the board, or temporary permit certificate issued by the secretary, and an affidavit setting out his name, age, place of birth, residence, location of office or place of business, and that he is the person named in said license or permit.

(2) The county clerk of each county shall provide a book of suitable size to be known as the "Medical Register" of the county, one full page of which shall be set aside for the registration of each person required to be registered by subsection (1)

of this section, and shall register therein the license or permit of such person issued by the board or by the secretary, and shall maintain in said book the affidavits referred to in subsection (1) of this section. The county court clerk shall receive from each person presenting a license or permit for registration a fee of one dollar which shall constitute his entire compensation for duties rendered pursuant to this Act.

Section 10. (1) No person shall make any statement or submit any document, paper or thing to the board, or to its secretary, or to any county court clerk, relating in any manner to issuance, registration, suspension or revocation of any license or permit, knowing same to be false, forged or fraudulent.

(2) No person shall engage in fraud, deceit, collusion or conspiracy in connection with any examination conducted by the board.

(3) No person shall make or issue any false or counterfeit certificate that purports to have been issued by the board, or by its secretary, or forge the signature of any person thereon, or alter any such certificate that has been issued by the board or by its secretary.

Section 11. (1) Where such power has not been transferred by statute to some other board, commission or agency of this state, the board may place a licensee on probation for a period not to exceed two years, or may suspend a license for a period not to exceed two years, or may revoke any license heretofore or hereafter issued by the board, upon proof that the licensee has:

(a) Knowingly made or presented, or caused to be made or presented, any false, fraudulent or forged statement, writing, certificate, diploma or other thing, in connection with an application for a license or permit.

(b) Practiced, or aided or abetted in the practice of, fraud, forgery, deception, collusion or conspiracy in connection with an examination for a license.

(c) Committed an unlawful abortion.

(d) Been convicted of a felony involving moral turpitude.

(e) Become addicted to a drug habit.

(f) Become a chronic or persistent alcoholic.

(g) Developed such physical or mental disability, or other condition, that continued practice is dangerous to patients or to the public.

(h) Engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.

(i) Knowingly made, or caused to be made, or aided or abetted in the making of, a false statement in any birth, death, premarital, or other certificate or document executed in connection with the practice of his profession.

(j) Employed, as a practitioner of medicine or osteopathy, in the practice of his profession in this state, any person not duly licensed; or otherwise aided, assisted or abetted the unlawful practice of medicine or osteopathy or any other healing art.

(k) Violated the code of conduct promulgated by the board under subsection (4) of section 12 of this Act.

(l) Violated any order of suspension, or the terms or conditions of any order of probation, issued by the board.

(2) In every proceeding for probation, suspension or revocation of a license, the secretary shall furnish the licensee with written notice setting out the substance of each offense charged, with sufficient detail to reasonably apprise such person of the nature, time and place thereof. Proceedings and forms shall be in accordance with rules and regulations of the board, and hearings may be conducted by hearing officers of the board as provided in subsection (2) (b) of section 5, but no hearing shall be conducted until at least thirty days written notice thereof has been given to the holder of the license, who shall have the right to be present, in person or by counsel, and to present evidence and to be heard in opposition to the charges which may be instituted by any individual, or organization, or by the board acting upon its own initiative or by the secretary on behalf of the board. Preliminary to the institution of any such proceeding, the secretary may refer the charge or charges to the state or-

ganization which represents the profession to which the holder of the license belongs, for investigation and recommendations as to adjustment, settlement or disciplinary action, and such professional organization may assist in the prosecution or defense of any such proceedings before the board, which shall not be bound to follow its recommendations.

(3) Except as otherwise provided in this subsection, every order of the board suspending or revoking a license shall become effective thirty days after notice is given to the licensee, unless said licensee, within thirty days from the giving of such notice, appeals therefrom in the manner provided by subsection (4) of this section. Provided, however, that the board may, when in its opinion the continued practice by the licensee during the time allowed for appeal would be dangerous to the health, welfare and safety of the licensee's patients or the general public, provide in its order of suspension or revocation that said order shall become effective forthwith; in such event the board order of suspension or revocation shall become effective as of the date specified therein, and the licensee shall not, after notice of same, engage or continue to engage in any practice under the license after such revocation or during such period of suspension, unless and until the board order is reversed or modified by a final and unappealable order or judgment of a court made pursuant to the provisions of subsection (4) of this section.

(4) Any licensee who is aggrieved by an order of the board placing the licensee on probation, or suspending or revoking his license may procure a declaration of rights under the Declaratory Judgment Act by filing, within thirty days after notice of said board order, a petition in equity against the board in the circuit court of Jefferson County, Kentucky, together with a bond with good and sufficient sureties thereon to cover all costs, which petition shall request judicial review of the board order and proceedings held by the board, or its hearing officer, and set out with particularity the alleged grounds relied upon for reversal or modification of the board order. Summons and a copy of the petition may be served upon the secretary for and on behalf of the board, and the secretary shall, within thirty days days after such service and the filing of said bond, file with the court a transcript of the record of hearing together with a cer-

tified copy of the board order complained of. The board may file an answer, or such other pleadings as it considers appropriate, and the court shall, after considering the transcript of record and the board order and any arguments of counsel, enter judgment. No new or additional evidence shall be introduced in the circuit court. In the event the action of the board is not sustained the court shall, upon request of the board, remand the case to the board for further proceedings. Any party aggrieved by the final judgment, order or decree rendered in the case by the Jefferson Circuit Court may appeal therefrom to the Court of Appeals of Kentucky in the time, method and manner provided in the Declaratory Judgment Act and the Court of Appeals shall docket and advance the appeal as provided in said Declaratory Judgment Act.

(5) Whenever an order of the board suspending or revoking a license becomes effective, as provided in subsection (3) of this section, the secretary shall, on behalf of the board, give written notice thereof to the county court clerk of each county in which the license is registered and such clerk shall thereupon mark, on the page of the Medical Register where the license is registered, that it has been suspended, for the period indicated, or revoked, in accordance with the notice. In the event the license is subsequently reinstated by the board, or in the event the board's order of suspension or revocation is subsequently reversed or modified by a final and unappealable judgment of court made pursuant to the provisions of subsection (4) of this section, the secretary shall, on behalf of the board, so notify such county court clerk who shall thereupon mark the Medical Register accordingly.

(6) Any notice that is required to be given to a licensee by the board, or by its secretary or hearing officer, which is given by forwarding same by registered United States mail, postage prepaid, to the licensee at his last known address as it appears in the files of the board or the Department of Health shall be sufficient.

(7) All members of the board, and its secretary and hearing officer, have authority to administer oaths, and to issue, in the name of the board, complaints, notices, summonses, sub-

poenas, and other process, in connection with any charge, proceeding or hearing relating to probation, suspension or revocation.

(8) The board may compel the attendance of witnesses at hearings in connection with probation, suspension or revocation proceedings, and circuit and county courts are, upon petition of the board or its hearing officer, authorized and empowered to punish as contempt all failures to obey subpoenas and other process provided in subsection (7) of this section and all contemptuous or contumacious conduct directed to the board or its hearing officer in the course of hearings relating to probation, suspension or revocation.

Section 12. (1) Within one hundred and twenty days after this Act becomes effective, the board shall adopt, and file with the Secretary of State of this Commonwealth pursuant to KRS Chapter 13, rules and regulations that effectuate and implement, but are not inconsistent with, the provisions of this Act. The rules and regulations shall cover, among other things, the qualifications, standards, fees, examinations, schools, forms, and procedures prescribed by the board in connection with examination and licensure in this state, and the forms and procedures prescribed by the board in connection with probation, suspension and revocation, and also a code of conduct prescribed by the board.

(2) Thereafter, the board shall file with the Secretary of State of this Commonwealth, pursuant to KRS Chapter 13, any and all amendments, changes and modifications to its rules and regulations, and any and all other rules and regulations, within thirty days after such amendments, changes or modifications are adopted by the board.

(3) At least once every two years the board shall compile the Kentucky medical practice laws, and all rules and regulations promulgated by the board thereunder, and cause copies thereof to be furnished to licensing agencies of all other states and to all medical schools in the United States or Canada approved by the American Medical Association, and to all osteopathic schools in the United States and Canada approved by the American Osteopathic Association, and to all persons who

are licensed to practice medicine or osteopathy in Kentucky. Copies of the compilation shall be available to the general public upon request.

(4) The board shall, prior to promulgating a code of conduct, or any amendment, change or modification thereto, notify all licensees in writing of the proposed action and hold a hearing or hearings thereon at the offices of the board in Louisville, Jefferson County, Kentucky. Upon the filing with the Secretary of State of this Commonwealth, of any code of conduct, or amendment, change or modification thereto, the board shall notify in writing all licensees as to the date of adoption and filing of same. Any licensee who is aggrieved thereby may, within thirty days from the filing of same with the Secretary of State as provided herein, procure a declaration of rights by filing, under the Declaratory Judgment Act, a petition in equity against the board in the circuit court of Jefferson County, Kentucky, and, upon his failure to do so, he shall thereafter be forever barred from instituting or maintaining an action attacking or questioning the validity of the code. Any party to such case who is aggrieved by the final judgment, order or decree of the Jefferson Circuit Court may appeal therefrom to the Court of Appeals of Kentucky in the time, method and manner provided by the Declaratory Judgment Act and the Court of Appeals shall docket and advance the appeal as provided in said Declaratory Judgment Act. No person shall be heard to complain concerning any provision of the code of conduct that was in force and effect at the time he was licensed in this state. Any notice required by this subsection to be given by the board may be effected by publication of same in a newspaper of general circulation in this state or by publication in any official periodical issued and circulated in this state by the Kentucky State Medical Association and the Kentucky Osteopathic Medical Association.

Section 13. (1) County and Commonwealth's attorneys and the Attorney General, within their respective jurisdictions, shall prosecute all violations of the penal provisions of this Act and shall, when requested by the board, represent the board and local health units in matters relating to the enforcement of this Act.

(2) The board may employ attorneys, inspectors, investigators, and other personnel and may pay reasonable compensation therefor. The board may utilize the services of all attorneys, inspectors, investigators and other employees and facilities of the Department of Health.

(3) The judge of each circuit court shall specially charge each grand jury empaneled in his court with reference to the penal provisions of this Act.

(4) Every county board of health shall, at such times as are fixed by the board, report to the board the name and address of each person believed to be engaged in the practice of medicine or osteopathy, as defined by this act, within their respective jurisdictions. The county boards of health shall also report to the board and to the county and Commonwealth's attorneys of their respective counties all violations of this Act and shall assist in the enforcement thereof.

(5) For the purpose of enforcing the provisions of this Act, the investigators, inspectors, representatives and agents of the board and the Department of Health shall have the full power and authority of peace officers in this state, and shall have the power and authority to administer oaths, to enter upon premises at all times for the purpose of making inspections, to seize evidence, to interrogate all persons, and to require the production of books, papers, documents or other evidence.

(6) The board may institute, in its own name, proceedings to temporarily or permanently restrain and enjoin violations of this Act, regardless of whether the defendant has been convicted for violation of the penal provisions thereof, and shall not be required to pay any costs or filing fees or furnish any bond in connection therewith. Violation of injunctions and restraining orders shall be punished as a contempt without the intervention of a jury.

Section 14. All fees collected by the Board under the provisions of this Act, or the rules and regulations adopted pursuant thereto, shall be paid into the State Treasury and credited to a trust and agency fund to be used by the board in defraying the costs and expenses of the board in the administration of this Act, including, but not limited to, salaries and necessary travel ex-

penses. No part of this fund shall revert to the general funds of this Commonwealth.

Section 15. (1) All licenses heretofore issued by the board for the practice of medicine or osteopathy, or any limited school or system, are hereby declared to be valid and in full force and effect unless they have become expired, cancelled, suspended or revoked in accordance with law.

(2) Nothing in this Act shall be construed as hereafter conferring upon the board any authority to issue, suspend or revoke any license for the practice of dentistry, optometry, chiropractic, nursing or pharmacy.

Section 16. This Act may be cited as the "Kentucky Medical and Osteopathic Practice Act of 1952."

Section 17. (1) Each first violation of section 3 or section 4 shall be punishable by a fine of not less than two hundred and fifty nor more than five thousand dollars or by imprisonment for not less than one month nor more than twelve months, or both. Each subsequent violation of either of sections 3 or 4 shall constitute a felony and be punishable by a fine of not less than one thousand nor more than ten thousand dollars or by imprisonment in a penitentiary for not less than one nor more than three years, or both.

(2) Each violation of subsection (1) of section 9 shall constitute a misdemeanor and be punishable by a fine of not less than one hundred nor more than five hundred dollars or by imprisonment of not more than thirty days, or both, and each day shall constitute a separate offense.

(3) Each violation of section 10 shall constitute a felony and shall be punishable by a fine of not less than one thousand nor more than ten thousand dollars or by imprisonment in a penitentiary for not less than one nor more than three years. Conviction, under this subsection, of a holder of a license or permit, shall result automatically in permanent revocation of such license or permit.

(4) Conviction of willfully resisting, preventing, impeding, obstructing, threatening or interfering with the board or any of

its members, or of any officer, agent, inspector or investigator of the board or the Department of Health, in the administration of any of the provisions of this Act, shall be punishable by a fine of not more than one thousand dollars or by imprisonment for not more than six months, or both.

Section 18. Sections 311.010 to 311.130, inclusive, and Sections 311.250 to 311.290, inclusive, and subsections (1) to (5), inclusive, of Section 311.990 of the Kentucky Revised Statutes are repealed.

Mr. Lowman, of the Committee to which said bill had been referred, offered the following amendments, viz:

Amendment No. 1. Amend printed copy of H. B. 137 on page 2, section 1, line 21, subsection 8, by inserting immediately after the words "Christian Science," the words "the practice of chiropody as defined in KRS 311.380."

Said motion was agreed to.

Said amendment was adopted.

Amendment No. 2. Amend printed copy of H. B. 137 on page 3, section 2, line 2, 3 and 4 by striking the comma at the end of line 2 thereof and by striking from lines 3 and 4 thereof the words "and the sale of those items enumerated in subsection (2) of section 4,"

Said motion was agreed to.

Said amendment was adopted.

Amendment No. 3. Amend printed copy of H. B. 137 on page 4, section 4, lines 1 to 19, inclusive, by striking all of Section 4, lines 1 to 19, inclusive.

Said motion was agreed to.

Said amendment was adopted.

Amendment No. 4. Amend printed copy of H. B. 137 on page 22, section 17, line 5, subsection 1, by striking the words "either of sections 3 or 4" and inserting in lieu thereof the words "section 3".

Said motion was agreed to.

Said amendment was adopted.

Amendment No. 5. Amend printed copy of H. B. 137 on page 22, section 17, lines 1 and 2 subsection 1 by striking at the end of line 1 and the beginning of line 2 the words "or section 4".

Said motion was agreed to.

Said amendment was adopted.

Amendment No. 6. Amend printed copy of H. B. 137 on page 23, section 18, line 2, by striking the figures "311.250" and substituting in lieu thereof the figures "311.270".

Said motion was agreed to.

Said amendment was adopted.

Amendment No. 7. Amend printed copy of H. B. 137 on page 23, section 18, line 2 by striking at the end of said line the word "to" and substituting in lieu thereof the words ", (4) and ".

Said motion was agreed to.

Said amendment was adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "shall the Main Question be now put?"

Ordered that said bill be engrossed and read at length for the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Thomas D. Hewlett	Louis T. Peniston
J. Everett Bach	Henry R. Heyburn	Tipton Reed
Clarence J. Barnum	E. R. Hilton	Earl Rogers
Owen Billington	Chester J. Holsclaw	Carl J. Ruh
J. C. Bradley	William M. Horn	Amos Runyon
Edw. O. Bridgers	Paul S. Jonas	Cecil Sanders
Alex H. Calvert	William L. Jones	Gus F. Sheehan, Jr.
Lewis W. Combest	Jennings Kearby	Dr. B. F. Shields
Marvin A. Cornett	Jesse H. Lawrence	Mrs. Thelma Stovall
R. Josh Cosby	Paul M. Lewis	E. H. (Ted) Stumbo
C. E. Dowell	Harry K. Lowman	Egbert V. Taylor
James A. Dressman, Jr.	William Maglinger	William F. Threlkeld
Thomas R. Duncan	Russell L. Meadows	J. B. Veech
Harold Edwards	Tom Mobley	Eulick (Mike) Walsh
William Engle	Robert H. Moore	Wm. Thos. Wathen
Herbert Fern	Walter R. Moorman	L. M. Weathers
Wm. P. Friedlander	Fred H. Morgan	Hicks Wells
Henry J. Giles	Earl F. Murphy	W. A. (Pete) Wickliffe
Eugene B. Hancock	Thomas J. Murphy	Walker H. Wiseman
George F. Harris	Ewin C. Neville	Garrett L. Withers
William K. Henry	Bart N. Peak	—62

Those who voted in the negative were—

Thomas L. Britton	R. L. Dunigan	Leslie Gay
Walter J. Chyle, Jr.		—4

Mr. Lowman moved that that title of H. B. 137 be amended as follows, viz:

"AN ACT relating to the practice of medicine and osteopathy."

Said motion was agreed to.

Said amendment was adopted.

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table. of the Governor, to issue all licenses directly; and for services

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that H. B. 212 be taken from the Orders of the Day, and placed upon its passage, said bill by its title only is as follows, viz:

H. B. 212. AN ACT relating to rabies control, livestock and dog protection.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. For the purposes of this Act, the following terms shall have the following meanings:

(1) "Livestock" shall include horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine, and confined and domesticated hares and rabbits.

(2) "Poultry" shall include all domesticated fowl and all game birds which are legally kept in captivity.

(3) "Persons" shall include state and local officers, employes, individuals, corporations, co-partnerships and associations.

(4) "Owner," when applied to the proprietorship of a dog, shall include every person having right of property in such dog, and every person who keeps or harbors such dog or has it in his care, and every person who permits such dog to remain on or about any premises owned or occupied by him.

(5) "Kennel" shall mean any establishment wherein or whereon dogs are kept for the purpose of breeding, sale, show or sporting purposes, and which is so constructed that dogs cannot stray therefrom.

(6) "Police Officer" shall mean any person employed or elected by this Commonwealth, or by any municipality, county, or district, whose duty it is to preserve peace or to make arrests or to enforce the law. The term includes State Police, game,

fish and forest wardens, sheriffs, deputy sheriffs, constables, policymen and all other policy or peace officers for any officer or employe of the Agriculture Department, and "Sheriff" shall include deputy sheriffs.

(7) "Agriculture Department" means the Department of Agriculture, Labor and Statistics.

(8) "Agriculture Commissioner" means the Commissioner of Agriculture, Labor and Statistics.

(9) "Health Department" means the Department of Health.

(10) "Health Commissioner" means the Commissioner of Health.

(11) "Committee" means the Joint Advisory Committee established pursuant to this Act and empowered by provisions of this Act, and the provisions of any subsequent acts, to coordinate the enforcement of this Act.

(12) "Livestock Fund" means the fund established pursuant to this Act and shall include all receipts received through the Agriculture Department under the terms of this Act and in addition thereto, any appropriations made by the terms of this Act and by the terms of any subsequent Acts.

(13) "License" shall mean the dog or kennel license established and issued pursuant to provisions of this Act.

(14) "Vaccination Certificate" shall mean the official certificate of antirabies vaccination established and issued pursuant to the provisions of this Act.

(15) "Vaccinate" shall mean the subcutaneous or intramuscular injection of antirabies vaccine in doses recommended by the International Committee on Rabies or according to such standards as may be prescribed by the Health Commissioner.

(16) "Vaccine" shall mean the antirabies canine vaccine produced in a laboratory licensed by the United States to produce such vaccine.

(17) "Veterinarian" shall mean a practitioner of veterinary medicine who is duly licensed in the Commonwealth of Ken-

tucky or who is specifically exempt from license by the provisions of KRS 321.200 subsections (d) and (e).

Section 2. As soon as possible after July 1, 1952, and on or before July 1 of each year after 1952, the owner of any dog six months old or over shall have such dog vaccinated according to the provisions of this Act.

Section 3. On or before July 1, 1953, and on or before July 1 of each year thereafter, the owner of any dog six months old or over shall apply to the sheriff of the county in which he resides or to the Agriculture Department for a license for each such dog owned or kept by him. Such application shall be accompanied by a license fee of $1.50 for each dog. The sheriffs of the counties shall be agents of the Commonwealth in the collection of the license fees provided for herein, unless and until the Agriculture Department shall determine, with the approval of the Governor, to issue all licenses directly; and for services rendered in collecting and paying over the same, such sheriffs shall be allowed to retain the sum of 25c for each license. The balance of the license fee collected shall be paid to the Agriculture Department on or before the 15th day of each next succeeding month and shall be paid into the State Treasury by the Agriculture Department and credited to the Livestock Fund.

Section 4. A dog license bearing a serial number and such other information as will properly identify the dog shall be issued on a form prescribed and supplied by the Agriculture Department and shall be void on January 1 of the following year. Upon issuance of the license, the owner shall be furnished a tag prescribed and supplied by the Agriculture Department bearing a serial number corresponding with the serial number of the license. If a license or tag is lost, duplicates shall be issued.

Section 5. (1) The tag provided for in Section 4 of this Act shall be affixed to a substantial collar furnished by the owner which shall be kept on the dog at all times, and only the owner or his authorized agent shall remove the collar with attached tag from any dog.

(2) No license or tag issued for one dog shall be transferrable to another dog except as provided in Section 8 of this Act.

(3) Any dog not bearing a tag shall prima facie be deemed to be unlicensed, and in any proceedings under this Act the burden of proof of the fact that a dog has been licensed shall be on the owner of the dog.

Section 6. Any person becoming the owner of a dog which has not already been licensed after July 1 of any year, and any owner of any dog which becomes six months old after July 1 of any year shall forthwith apply for and procure a license and tag for his dog in the same manner as the annual license is obtained.

Section 7. (1) Any person who keeps or operates a kennel may, in lieu of the license for each dog required by Section 3 of this Act, apply to the sheriff or the Agriculture Department for a kennel license entitling him to keep or operate the kennel. Such application shall be accompanied by a license fee of $10.00 for each license to keep ten dogs or less and twenty-five dollars for each license to keep more than ten dogs. Such kennel license fees shall be collected, paid to the Agriculture Department, converted into the State Treasury and credited to the Livestock Fund in the same manner as the regular dog license fees as provided in Section 3 of this Act.

(2) A kennel license shall be issued on a form prescribed and supplied by the Agriculture Department.

Section 8. (1) Upon the issuance of a kennel license, the person who keeps or operates the kennel shall be furnished a number of tags prescribed and supplied by the Agriculture Department equal to the number of dogs authorized to be kept in the kennel.

(2) The licensee of a kennel shall keep a tag attached to a collar on each dog kept by him at all times, and such tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel.

Section 9. (1) No dog authorized to be kept by a kennel licensee shall be permitted to stray or be taken anywhere outside the limits of the kennel, except temporarily and in leash, or temporarily for the purpose of hunting, breeding, trial or show.

(2) Ang dog outside of the kennel in violation of subsection (1) of this section shall be considered as if never licensed.

Section 10. Each sheriff shall keep a record of all dog and kennel licenses issued and shall report to the Agriculture Department monthly his license sales on a form prescribed and supplied by the Agriculture Department. The record maintained shall be a public record.

Section 11. The county tax commissioner in each county shall annually, at the time of assessing real property, make diligent inquiry as to the number of dogs owned, harbored, or kept by a person. He shall make a complete report of his findings to the sheriff and the Agriculture Department on a form prescribed and supplied by the Agriculture Department on or before December 31 of each year.

Section 12. The Agriculture Commissioner charged with the enforcement of the provisions of this Act relating to the licensing and regulation of dogs and the protection of livestock from damage by dogs. He may employ all proper means and may enter into agreements with local agencies and organizations to aid and assist in the enforcement of the Act. The Agriculture Department shall make and promulgate such rules and regulations for the enforcement of this Act as the Agriculture Commissioner may deem reasonable and necessary. The Agriculture Department may employ such personnel as may be necessary, and persons so employed shall have all of the powers of peace or police officers with respect to the enforcement of this Act and may enter upon the premises of any person for the purpose of investigation upon displaying a badge of identification to be furnished by the Agriculture Department.

Section 13. The Health Commissioner shall be charged with the enforcement of the provisions of this Act relating to the vaccination of dogs and the issuing of vaccination certificates. He may employ all proper means and may enter into agreements with local agencies and organizations to aid and assist in the enforcement of the Act. The Health Department may employ such personnel as may be necessary for the effective enforcement of the provisions of this Act for which it is responsible.

The Health Department shall make and promulgate such rules and regulations as the Health Commissioner may deem reasonable and necessary.

Section 14. To achieve the coordination essential to enforcement of this Act, the responsibility for advising the Agriculture Department and the Health Department, as well as conferring approval where provided for herein, is vested in a Joint Advisory Committee. The Committee shall be composed of the Agriculture Commissioner, or his designate, the Health Commissioner, or his designate, and four members appointed by the Governor as follows: one from a list of three persons nominated by the Kentucky Veterinary Medical Association, one from a list of three persons nominated by the Kentucky Farm Bureau Federation, one from a list of three persons nominated by the Bluegrass State Sheep Association, and one from a list of three persons nominated by the Kentucky Purebred Livestock Association. The appointed members shall serve for a term of four years and until their successors are appointed and qualify. The committee shall elect a chairman and shall meet at such time and such place as the chairman shall designate. Four members present at any meeting shall constitute a quorum, and upon the written request of any three members the chairman shall call a meeting of the committee at the time and place requested. Committee members not already employed by the state shall be compensated at the rate of $15.00 per day for committee services rendered and shall be reimbursed for any actual expense incurred in performing committee duties.

Section 15. (1) All costs and expenses incident to the enforcement of this Act incurred by the Agriculture Department shall be paid out of the Livestock Fund; provided, however, that the total amount so paid shall not exceed $170,000 in any fiscal year except upon approval of the committee.

(2) All costs and expenses incident to the enforcement of this Act incurred by the Health Department shall be paid out of the Livestock Fund; provided, however, that the total amount so paid shall not exceed $30,000 in any fiscal year, except with approval of the committee.

Section 16. (1) There shall be held in each county of

the state annually at such time and for such duration as the Health Department shall prescribe a dog vaccination clinic so that all dog owners may have a reasonable period of time during which to have their dogs vaccinated.

(2) Except as provided in subsections (3) and (4), the clinic in each county shall be conducted by veterinarians who practice veterinary medicine in the county where the clinic is held.

(3) In those counties where no veterinarian practices veterinary medicine, the Health Department shall obtain veterinarians from other counties of the state to conduct the clinic; but if none can be obtained, the Health Department shall designate veterinarians who are employed by the Commonwealth of Kentucky or the Bureau of Animal Industry of the United States Department of Agriculture to conduct the clinic. Veterinarians who are so employed and designated shall be furnished vaccine necessary to conduct the clinic paid for out of the Livestock Fund and the Health Department shall reimburse them for travel and other actual expenses incurred in conducting the clinic.

(4) If no veterinarians can be obtained according to the provisions of subsections (1), (2), and (3), the clinic may be conducted and vaccine administered by a person whom the Health Department has authorized, and properly instructed in the administration of antirabies vaccine.

Section 17. (1) In a county where there is a practicing veterinarian the vaccination of any dog at any time other than during the vaccination clinic provided for in Section 16 of this Act shall be by a veterinarian.

(2) In a county where there is no practicing veterinarian the vaccination of any dog at any time other than during the vaccination clinic provided for in Section 16 of this Act shall by a person whom the Health Department has authorized and properly instructed in the administration of antirabies vaccine.

Section 18. (1) For the vaccination of each dog pursuant to the provisions of subsection (1) of section 16, the owner thereof shall pay to the veterinarian or authorized person performing this service a fee as follows:

(a) For vaccination at a vaccination clinic the sum of $1.00; provided, however, that after one year from the effective date of this Act, the Health Department, with approval of the committee, may adjust this fee to an amount in line with changes of cost of the service performed;

(b) For vaccination other than at a vaccination clinic such amount as the veterianarian or authorized person performing the vaccination usually charges for such service.

(2) All fees for vaccination collected according to the provisions of Section 16, subsections (3) and (4), of this Act by veterinarians or authorized persons employed by the Commonwealth of Kentucky or the United States shall be paid by them to the Commissioner of Agriculture and credited to the Livestock Fund.

Section 19. The veterinarian or other authorized person who vaccinates a dog shall issue to the owner thereof a vaccination certificate on a form prescribed and supplied by the Health Department. The vaccination certificate shall be prepared and issued in duplicate: one copy to be retained and filed by the issuing veterinarian or authorized person, one copy to be retained by the owner of the dog vaccinated. No vaccination certificate shall be issued or be valid for more than one year unless and until the Health Department authorizes the use of a new vaccine which may be developed and which demonstrates its ability to confer longer immunity.

Section 20. When the incidence of rabies in dogs in any county or designated area of this state decreases sufficiently to warrant it, the Health Department, with approval of the committee, may declare the county or area free from rabies in dogs. When such a declaration has been made, the Health Department shall notify the sheriff or sheriffs concerned in writing, and, after publicizing the declaration by regulations which give adequate notice to all dog owners, may suspend the provisions of this Act which require that all dogs subject to license shall be vaccinated.

Section 21. (1) Any person may bring, or cause to be brought into the state, for a period of thirty days, one or more

dogs for show, trial, or breeding purposes without securing a license, and any person holding a Kentucky nonresident hunting license may, without securing a license or licenses therefor, bring or cause to be brought into the state one or more dogs for the purpose of hunting game during any hunting season when hunting with dogs is permitted by law, if a similar exemption from the necessity of securing dog licenses is afforded for hunting purposes to residents of Kentucky by the state of such person's residence; provided, however, that each dog is equipped with a collar bearing a name plate giving the name and address of the owner.

(2) In any proceedings under this Act the burden of proof of the fact that a dog has been imported for hunting, breeding trial or show purposes shall be upon the owner of the dog.

Section 22. (1) It shall be the duty of every police officer to seize and detain any dog which bears a proper license tag and which is found running at large, either upon the public streets or highways of the Commonwealth, or upon the property of other than the owner of such dog, and unaccompanied by the owner or keeper. Any police officer is hereby authorized and empowered to go upon any premises and enter any building to seize and detain any dog which has been found running at large unaccompanied by the owner or keeper, when such police officer is in any immediate pursuit of any such dog. The police officer shall cause any dog bearing a proper license tag and so seized and detained to be properly kept and fed, and shall cause immediate notice, either personal or by registered mail, to be given to the person in whose name the license was procured, or his agent, to claim such dog within ten days. The owner of a dog so detained shall pay all reasonable expenses incurred by reason of its detention, under the provisions of this section, before the dog is returned. If, after ten days from the giving of such notice, the dog has not been claimed, the police officer shall dispose of such dog by sale or by destruction in some humane manner. No dog so caught and detained shall be sold for the purpose of vivisection. All moneys derived from the sale of such dog, after deducting the expense of its detention and sale, shall be paid to the Agriculture Commissioner and credited to the Livestock Fund.

(2) It shall be the duty of every police officer to destroy any dog which does not bear a proper license tag, which is found running at large.

Section 23. An officer shall be paid the sum of two dollars for destroying and properly disposing of the carcass of each unlicensed dog by cremation, burial, or other approved sanitary method. All expenses incurred under this or the preceding section and not othewise provided for, shall be paid by the Agriculture Commissioner from the Livestock Fund.

Section 24. (1) It shall be unlawful for any police officer to refuse to perform his duties under the provisions of this Act, or to refuse to assist in the enforcement of this Act upon request of the Agriculture Commissioner.

(2) It shall be unlawful for any person to interfere with any officer or agent in the enforcement of this Act.

Section 25. (1) Any person may kill any dog which he sees in the act of pursuing, worrying, or wounding any livestock, or wounding or killing poultry, or attacking human beings, whether or not such dog bears the license tag required by the provisions of this Act. There shall be no liability on such person in damages or otherwise for such killing.

(2) Any unlicensed dog, not accompanied by its owner or keeper, that enters any field or inclosure where livestock or poultry are confined shall constitute a private nuisance and the owner or tenant of such field, or his agent or servant, may kill such dog while it is in the field or inclosure, without liability or responsibility of any nature of such killing.

(3) Subsection (2) hereof, shall not apply to licensed dogs, when accompanied by their owner or handler, unless caught in the act of worrying, wounding or killing any livestock, or wounding or killing poultry, or attacking human beings.

(4) Any person who has been attacked by a dog, or any one for such person, may make a complaint before a Justice of the Peace, or Judge of any Police or Quarterly Court, charging the owner or keeper of such dog with harboring a vicious dog. A copy of such complaint shall be served upon the person so

charged in the same manner and subject to the same laws regulating the service of summons in civil actions directing him to appear for a hearing of such complaint at a time fixed therein. If such person shall fail to appear at the time fixed, or if upon a hearing of the parties and their witnesses, the Court shall find the person so charged is the owner or keeper of the dog in question, and that the dog has viciously and without cause, attacked a human being when off the premises of the owner or keeper, such official shall order the said owner or keeper to henceforth keep such dog securely confined.

(5) For his services in such proceedings, the judge or justice of the peace and the police officer shall be entitled to the same fees to which they are entitled for performing similar services in civil cases. In all proceedings under this section, such court shall place the costs upon either party as he may determine.

(6) It shall be unlawful for the owner or keeper of any vicious dog, after receiving such order, to permit such dog to run at large, or to appear on the public highways unless in leash. Any such dog found running at large may be killed by any police officer without liability for damages for such killing.

Section 26. (1) All dogs are hereby declared to be personal property and subjects of larceny. Except as provided in Section 25 of this Act, it is unlawful for any person, except a police officer, to destroy, injure, or poison, to attempt to destroy, injure, or poison, any dog, which bears a license tag for the current year.

(2) It shall be unlawful for any person to place any dog-button or any poison of any description in any place, on his own premises or elsewhere, where it may be easily found and eaten by dogs.

Section 27. It shall be unlawful for the owner or keeper of any female dog to permit her to go beyond the premises of such owner or keeper at any time she is in heat, unless she is properly in leash.

Section 28. (1) The owner or keeper of every dog shall at all times between the hours of sunset and sunrise of each day keep such dog: (a) confined within an inclosure from which it

cannot escape, or (b) firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured, or (c) under the reasonable control of some person or when engaged in lawful hunting accompanied by an owner or handler.

(2) Any police officer may destroy any dog found running at large between the hours of sunset and sunrise and unaccompanied and not under the control of the owner or handler.

Section 29. (1) Any owner or keeper of a dog which has killed or injured livestock or poultry or which has bitten such livestock or poultry so severely as to necessitate it s destruction, shall be liable to the owner of such livestock or poultry, in a civil action, for all damages and costs, or to the Commonwealth.

(2) Whenever any person sustains any loss or damage to any livestock or poultry by dogs, or any livestock or poultry of any person is necessarily destroyed because of having been bitten by a dog, except when such loss, destruction or damage shall have been caused by a dog harbored by the owner of such livestock or poultry, such person or his agent or attorney may, immediately after the damage is done, complain to a duly authorized agent of the Agriculture Department. Such complaint shall be in writing, shall be signed by the person making such complaint, and shall state when, where, and how such damage was done, and by whose dog or dogs, if known. Upon receipt of such complaint, the agent of the Agriculture Department shall at once examine the place where the alleged loss or damage was sustained and the livestock or poultry injured or killed, and shall examine under oath or affirmation, any witnesses called before him. After making diligent inquiry in relation to such claim, such agent, acting as appraiser, shall determine whether any damage has been sustained and the amount thereof and, if possible, who was the owner of the dog or dogs by which such damage was done. If the owner does not agree as to the amount of damage allowed by the appraiser, the owner and appraiser may appoint a disinterested citizen to assist in determining the amount of damage sustained. For such services, the said disinterested citizen shall receive two dollars and mileage at five cents per mile for the distance traveled, which shall be paid by the owner and considered as part of the costs in such claim.

Section 30. (1) Upon receipt by the Agriculture Department of the appraisal report, the Agriculture Commissioner, if he approves the report, shall certify the amount thereof, together with the costs of the proceedings, to the Department of Finance which draws a warrant in the amount thereof on the State Treasurer payable out of the Livestock Fund. If the commissioner does not approve the appraisal report, he shall ascertain the amount of damage sustained.

(2) The state shall succeed to all rights and interests of the owner of livestock or poultry which has been killed or injured by dogs to the extent of any payment made by the state out of the Livestock Fund.

Section 31. (1) No payment shall be made for any injury to or destruction of livestock or poultry if payment has been made by the owner of the dog or dogs doing the injury. The fact that no such payment has been made shall be certified by the claimant.

(2) When any payment is made by the state for any livestock or poultry injured by a dog, such payment shall not exceed one hundred dollars for each horse, or mule; one hundred and fifty dollars for each head of registered cattle, one hundred twenty-five dollars for each head of unregistered cattle, twenty-five dollars for each head of unregistered swine, sheep or goats; fifty dollars for each head of registered swine, sheep or goats; three dollars for each full grown goose; five dollars for each full grown turkey; and one dollar for each head of other poultry, or domesticated hare or rabbit. All appraisals under this Act shall be the actual value of the livestock, including poultry killed or injured.

Section 32. Owners of licensed dogs which are killed by any police officer, without justification under the provisions of this Act, shall be recompensed for the value of such dog out of the Livestock Fund in the same manner as owners of livestock or poultry killed or injured by dogs are recompensed. The proceedings for appraisal of the value of the dog and payment of the claim shall conform to the procedures prescribed by Sections 29 and 30 of this Act except that no claim shall exceed one hundred dollars.

The state shall recover the amount paid to the owner of the dog from the officer responsible for the unjustified killing.

Section 33. (1) Any valid claims, or parts thereof, for loss or damage to sheep, horses, mules, cattle, swine or poultry which have accrued under the provisions of Chapter 258 of the Kentucky Revised Statutes, and any such claims which may accrue prior to July 1, 1952 shall not abate by reason of the repeal of such Act, but to the extent that funds are available for the payment thereof, such claims shall be paid out of the available fund of the proper county; and for such purposes the provisions of said Act are hereby saved from repeal.

(2) Any such claims remaining unpaid out of the available fund of the proper county after December 31, 1953, shall be paid from the Livestock Fund to the extent of available funds as determined by the committee and in the order of their presentation; provided, however, that no such claims presented after December 31, 1954, shall be so paid.

Section 34. (1) If, in the report of the appraiser, the name of the owner of any dog or dogs having caused loss or damage to any livestock or poultry is definitely and conclusively shown or if a written complaint is filed with the Commissioner of Agriculture by any owner of livestock or poultry against any dog, stating that such dog has been seen pursuing or worrying livestock or poultry, and if such charge is proven by investigation on the part of the Agriculture Department, the Agriculture Commissioner may notify the owner or keeper of such dog to immediately destroy the same; whereupon it shall be unlawful and a violation of this Act for such owner or keeper to permit or cause such dog, while alive, to leave or be removed from such premises. The destroying of such dogs shall not remove the liability of the owner for such damage done by his dog. Upon failure of such owner to comply with such order within a period of ten days, any police officer, upon notice from the Agriculture Department, shall destroy such dog wherever found. For such service he shall be entitled to a fee of one dollar for each dog so destroyed, to be paid out of the Livestock Fund upon presentation to the Agriculture Department of satisfactory proof that such dog has been destroyed by him.

(2) Any person who owns or harbors an unlicensed dog shall forfeit any right to be reimbursed out of the Livestock Fund for any damage to his livestock or poultry by dogs.

Section 35. It shall be unlawful for any person knowingly to make any false statement or to conceal any fact required to be disclosed under any of the provisions of this Act.

Section 36. (1) When the inhabitants of any city, or county, or of any part thereof, have suffered an excessive amount of damage to livestock or poultry or domestic game birds by dogs, a petition may be presented to the Agriculture Commissioner, signed by twenty or more of such inhabitants who are owners of livestock or poultry, alleging such excessive damage and requesting that a quarantine be placed on all dogs within the limits of such city, or county, or such part thereof. Upon receipt of such petition, the Agriculture Department may, through its authorized agents, have an investigation made of the facts alleged therein and, if convinced that conditions in such city, county, or such designated area, demand such stringent measures, may establish a dog control quarantine therein.

(2) When such quarantine is established, at least ten notices thereof shall be posted throughout the area affected thereby, and notices thereof shall also be published in at least one issue of a newspaper of general circulation throughout such city, or county.

(3) It shall be unlawful for any person, residing in the area affected by such quarantine, to permit a dog owned or harbored by him to run at large in such quarantined area, or to leave the premises where it is kept, unless accompanied by and under the control of the owner or a handler.

(4) Any police officer may destroy any dog running at large in a quarantined area, in violation of such quarantine, without any liability for such destruction.

Section 37. Notwithstanding any of the terms or provisions of this Act, the Commonwealth of Kentucky shall not be liable for any loss, injury to, or destruction of livestock, poultry, or licensed dogs under any of the terms or provisions of this Act except as to such claims arising after June 30, 1953, and then

only to the extent that monies may be available in the Livestock Fund for the payment of such claims. Within the meaning of this section, the loss, injury to, or damage of livestock, poultry or licensed dogs must happen or occur after June 30, 1953.

Section 38. Nothing in this Act shall be construed to prohibit or to limit the right of any municipality to pass or enforce any ordinance with respect to the regulation of dogs, the provisions of which are not inconsistent with the terms and provisions of this Act. Nothing in this Act shall be construed to repeal any of the provisions of the fish and game laws of the Commonwealth of Kentucky now in effect, nor any laws relating to the powers and duties of the State Board of Health, or of any health officer relating to mad dogs or dogs affected with any disease, or to prohibit the destroying of licensed or unlicensed dogs in accordance with the provisions of any quarantine regulations made in accordance with the provisions of any local or state health law.

Section 39. (1) Any person violating or failing or refusing to comply with any of the provisions of this Act shall, upon conviction, be fined not less than five dollars nor more than one hundred dollars or imprisoned for not less than five nor more than sixty days or both so fined and imprisoned.

(2) All fines collected under this Act shall, after costs and commissions have been deducted, be paid to the Agriculture Department to be converted to the State Treasury and credited to the Livestock Fund.

Section 40. Except as provided in Section 33 of this Act, Chapter 258 of the Kentucky Revised Statutes hereby is repealed in its entirety.

Section 41. In addition to the license fees, fines and other revenues provided by this Act, there hereby is appropriated to the Agriculture Department for the account of the Livestock Fund for the administration and enforcement of this Act, the sum of $30,000 for the fiscal year 1952-53.

Section 42. The Livestock Fund shall constitute a revolving fund and any balance remaining in said fund at the end of any fiscal year shall be carried over to the next succeeding year

and no part thereof shall revert to the General Fund, except that on the first day of January, 1955, and on the first day of January of any year thereafter any unencumbered sum in excess of $200,000 standing to the credit of the Livestock Fund shall revert to the General Fund.

Mr. Jones moved the adoption of Committee Substitute to H. B. 212.

Said substitute is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. For the purposes of this Act, the following terms shall have the following meanings:

(1) "Livestock" shall include horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine, and confined and domesticated hares and rabbits.

(2) "Poultry" shall include all domesticated fowl and all game birds which are legally kept in captivity.

(3) "Persons" shall include state and local officers, employes, individuals, corporations, co-partnerships and associations.

(4) "Owner," when applied to the proprietorship of a dog, shall include every person having a right of property in such dog, and every person who keeps or harbors such dog or has it in his care, and every person who permits such dog to remain in or about any premises owned or occupied by him.

(5) "Kennel" shall mean any establishment wherein or whereon dogs are kept for the purpose of breeding, sale, show or sporting purposes, and which is so constructed that dogs cannot stray therefrom.

(6) "Police Officer" shall mean any person employed or elected by this Commonwealth, or by any municipality, county, or district, whose duty it is to preserve peace or to make arrests or to enforce the law. The term includes State Police, game, fish and forest wardens, sheriffs, deputy sheriffs, constables,

policemen and all other police or peace officers for any officer or employe of the Agriculture Department, and "Sheriff" shall include deputy sheriffs.

(7) "Agriculture Department" means the Department of Agriculture, Labor and Statistics.

(8) "Agriculture Commissioner" means the Commissioner of Agriculture, Labor and Statistics.

(9) "Board of Agricultture" shall mean the State Board of Agriculture.

(10) "Health Department" means the Department of Health.

(11) "Health Commissioner" means the Commissioner of Health.

(12) "Committee" means the Joint Advisory Committee established pursuant to this Act and empowered by provisions of this Act, and the provisions of any subsequent acts, to coordinate the enforcement of this Act.

(13) "Livestock Fund" means the fund established pursuant to this Act and shall include all receipts received through the Agriculture Department under the terms of this Act and in addition thereto, any appropriations made by the terms of this Act and by the terms of any subsequent Acts.

(14) "License" shall mean the dog or kennel license established and issued pursuant to provisions of this Act.

(15) "Vaccination Certificate" shall mean the official certificate of antirabies vaccination established and issued pursuant to the provisions of this Act.

(16) "Vaccinate" shall mean the subcutaneous or intramuscular injection of antirabies vaccine in doses recommended by the International Committee on Rabies according to such standards as may be prescribed by the Kentucky State Board of Agriculture.

(17) "Vaccine" shall mean the antirabies canine vaccine produced in a laboratory duly licensed with the Kentucky State Board of Agriculture.

(18) "Veterinarian" shall mean a practitioner of veterinary medicine who is duly licensed and accredited in the Commonwealth of Kentucky.

Section 2. As soon as possible after July 1, 1952, the owner of any dog six months old or over shall have such dog vaccinated according to the provisions of this Act.

Section 3. On or before July 1, 1952, and on or before July 1 of each year thereafter, the owner of any dog six months old or over shall apply to the sheriff of the county in which he resides for a license for each such dog owned or kept by him. Such application shall be accompanied by a license fee of $1.50 for each dog. Any license issued for the year of 1952 before July 1, 1952 will be effective until July 1, 1953. The sheriffs of the counties shall be agents of the Commonwealth in the collection of the license fees provided for herein, unless and until the Agriculture Department shall determine, with the approval of the Governor, to issue all licenses directly; and for services rendered in collecting and paying over the same, such sheriffs shall be allowed to retain the sum of 25c for each license. The balance of the license fee collected shall be paid to the Agriculture Department on or before the 15th day of each next succeeding month and shall be paid into the State Treasury by the Agriculture Department and credited to the Livestock Fund.

Section 4. A dog license bearing a serial number and such other information as will properly identify the dog shall be issued on a form prescribed and supplied by the Agriculture Department and shall be void on July 1 of the following year. Upon issuance of the license, the owner shall be furnished a tag prescribed and supplied by the Agriculture Department bearing a serial number corresponding with the serial number of the license. If a license or tag is lost, duplicates shall be issued.

Section 5. (1) The tag provided for in Section 4 of this Act shall be affixed to a substantial collar furnished by the owner which shall be kept on the dog at all times, and only the owner or his authorized agent shall remove the collar with attached tag from any dog.

(2) No license or tag issued for one dog shall be transferrable to another dog except as provided in Section 8 of this Act.

(3) Any dog not bearing a tag shall prima facie be deemed to be unlicensed, and in any proceedings under this Act the burden of proof of the fact that a dog has been licensed shall be on the owner of the dog.

Section 6. Any person becoming the owner of a dog which has not already been licensed after July 1 of any year, and any owner of any dog which becomes six months old after July 1 of any year shall forthwith apply for and procure a license and tag for his dog in the same manner as the annual license is obtained.

Section 7. (1) Any person who keeps or operates a kennel may, in lieu of the license for each dog required by Section 4 of this Act, apply to the sheriff or the Agriculture Department for a kennel license entitling him to keep or operate the kennel. Such application shall be accompanied by a license fee of $10.00 for each license to keep ten dogs or less and twenty-five dollars for each license to keep more than ten dogs. Such kennel license fees shall be collected, paid to the Agriculture Department, converted into the State Treasury and credited to the Livestock Fund in the same manner as the regular dog license fees as provided in Section 3 of this Act.

(2) A kennel license shall be issued on a form prescribed and supplied by the Agriculture Department.

Section 8. (1) Upon the issuance of a kennel license, the person who keeps or operates the kennel shall be furnished a number of tags prescribed and supplied by the Agriculture Department equal to the number of dogs authorized to be kept in the kennel.

(2) The licensee of a kennel shall keep a tag attached to a collar on each dog kept by him at all times, and such tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel.

Section 9. (1) No dog authorized to be kept by a kennel licensee shall be permitted to stray or be taken anywhere outside the limits of the kennel, except temporarily and in leash, or temporarily for the purpose of hunting, breeding, trial or show.

(2) Any dog outside of the kennel in violation of subsection (1) of this Section shall be considered as if never licensed.

Section 10. Each sheriff shall keep a record of all dog and kennel licenses issued and shall report to the Agriculture Department monthly his license sales on a form prescribed and supplied by the Agriculture Department. The record maintained shall be a public record.

Section 11. The county tax commissioner in each county shall annually, at the time of assessing real property, make diligent inquiry as to the number of dogs owned, harbored, or kept by a person. He shall make a complete report of his findings to the sheriff and the Agriculture Department on a form prescribed and supplied by the Agriculture Department on or before December 31 of each year.

Section 12. The Agriculture Commissioner charged with the enforcement of the provisions of this Act relating to the licensing and regulation of dogs and the protection of livestock from damage by dogs. He may employ all proper means and may enter into agreements with local agencies and organizations to aid and assist in the enforcement of the Act. The Agriculture Department shall make and promulgate such rules and regulations for the enforcement of this Act as the Agriculture Commissioner may deem reasonable and necessary. The Agriculture Department may employ such personnel as may be necessary, and persons so employed shall have all of the powers of peace or police officers with respect to the enforcement of this Act and may enter upon the premises of any person for the purpose of investigation upon displaying a badge of identification to be furnished by the Agriculture Department.

Section 13. The State Department of Health shall hold an annual clinic in each county for mass immunization. The Department of Agriculture shall assist the Board of Health in establishing said clinics. There shall be appropriated $15,000 annually to the State Department of Health for the expenses of holding said clinic.

Section 14. To achieve the coordination essential to enforcement of this Act, the responsibility for advising the Agri-

culture Department and the Health Department, as well as conferring approval where provided for herein, is vested in a Joint Advisory Committee. The Committee shall be composed of the Agriculture Commissioner, or his designate, the Health Commissioner or his designate, and five members appointed by the Governor as follows: one from a list of three persons nominated by the Kentucky Veterinary Medical Association, one from a list of three persons nominated by the Kentucky Farm Bureau Federation, one from a list of three persons nominated by the Bluegrass State Sheep Association, one from a list of three persons nominated by the Kentucky Purebred Livestock Association and one from a list of three persons nominated by Kennel Clubs of Kentucky. The appointed members shall serve for a term of four years and until their successors are appointed and qualify. The committee shall elect a chairman and shall meet at such time and such place as the chairman shall designate. Four members present at any meeting shall constitute a quorum, and upon the written request of any three members the chairman shall call a meeting of the committee at the time and place requested. Committee members not already employed by the state shall be compensated at the rate of $15.00 per day for committee services rendered and shall be reimbursed for any actual expense incurred in performing committee duties.

Section 15. (1) All costs and expenses incident to the enforcement of this Act incurred by the Agriculture Department shall be paid out of the Livestock Fund; provided, however, that the total amount so paid shall not exceed $200,000 in any fiscal year except upon approval of the committee. There shall be appropriated to the Department of Agriculture $15,000 for the fiscal year 1952-53 for the purpose of initiating this Act.

Section 16. (1) There shall be held in each county of the state annually at such time and for such duration as the Board of Agriculture and State Board of Health shall prescribe, a dog vaccination clinic so that all dog owners may have a reasonable period of time during which to have their dogs vaccinated.

(2) Except as provided in subsection (3) and (4), the

clinic in each county shall be conducted by veterinarians who practice veterinary medicine in the county where the clinic is held.

(3) In those counties where no veterinarian practices veterinary medicine, the Board of Agriculture shall obtain veterinarians from other counties of the state to conduct the clinic; but if none can be obtained, the Board shall designate veterinarians who are employed by the Commonwealth of Kentucky. Veterinarians who are so employed and designated shall be furnished vaccine necessary to conduct the clinic paid for out of the Livestock Fund. Travel and other actual expenses incurred in conducting the clinic shall be paid out of the Livestock Fund.

(4) The State Board of Agriculture shall assist the Department of Health in establishing vaccination clinics in the county.

Section 17. (1) In a county where there is a practicing veterinarian the vaccination of any dog at any time other than during the vaccination clinic provided for in Section 16 of this Act shall be by a veterinarian under the supervision of the Livestock Sanitation Division.

Section 18. (1) For the vaccination of each dog pursuant to the provisions of subsection (1) of section 16, the owner thereof shall pay to the veterinarian or authorized person performing this service a fee as follows:

(a) For vaccination at a vaccination clinic the sum of $1.00; provided, however, that after one year from the effective date of this Act, the Board of Agriculture, with approval of the committee, may adjust this fee to an amount in line with changes of cost of the srvice performed;

(b) For vaccination other than at a vaccination clinic such amount as the veterinarian usually charges for such service.

(2) All fees for vaccination collected according to the provisions of Section 16, subsections (3) and (4), of this Act by veterinarians or authorized persons employed by the Commonwealth of Kentucky shall be paid by them to the Commissioner of Agriculture and credited to the Livestock Fund.

Section 19. The veterinarian or other authorized person who vaccinates a dog shall issue to the owner thereof a vaccination certificate on a form prescribed and supplied by the Board of Agriculture. The vaccination certificate shall be prepared and issued in triplicate; one copy to be retained and filed by the issuing veterinarian or authorized person, one copy to be retained by the owner of the dog vaccinated. No vaccination certificate shall be issued or be valid for more than one year unless and until the Board of Agriculture authorized the use of a new vaccine which may be developed and which demonstrates its ability to confer longer immunity.

Section 20. When the incidence of rabies in dogs in any county or designated area of this state decreases sufficiently to warrant it, the Board of Agriculture, with approval of the committee, may declare the county or area free from rabies in dogs. When such a declaration has been made, the Board of Agriculture shall notify the sheriff or sheriffs concerned in writing, and, after publicizing the declaration by regulations which give adequate notice to all dog owners, may suspend the provisions of this Act which require that all dogs subject to license shall be vaccinated.

Section 21. (1) Any person may bring, or cause to be brought into the state, for a period of ninety days, one or more dogs for show, trial, or breeding purposes without securing a license, and any person holding a Kentucky nonresident hunting license may, without securing a license or licenses therefor, bring or cause to be brought into the State one or more dogs for the purpose of hunting game during any hunting season when hunting with dogs is permitted by law, if a similar exemption from the necessity of securing dog licenses is afforded for hunting purposes to residents of eKntucky by the state of such person's residence; provided, however, that each dog is equipped with a collar bearing a name plate giving the name and address of the owner.

(2) In any proceedings under this Act the burden of proof of the fact that a dog has been imported for hunting, breeding, trial or show purposes shall be upon the owner of the dog.

Section 22. (1) It shall be the duty of every police officer

to seize and detain any dog which bears a proper license tag and which is found running at large, either upon the public streets or highways of the Commonwealth, or upon the property of other than the owner of such dog, and unaccompanied by the owner or keeper. Any police officer is hereby authorized and empowered to go upon any premises and enter any building to seize and detain any dog which has been found running at large unaccompanied by the owner or keeper, when such police officer is in any immediate pursuit of any such dog. The police officer shall cause any dog bearing a proper license tag and so seized and detained to be properly kept and fed, and shall cause immediate notice, either personal or by registered mail, to be given to the person in whose name the license was procured, or his agent, to claim such dog within ten days. The owner of a dog so detained shall pay all reasonable expenses incurred by reason of its detention, under the provisions of this section, before the dog is returned. If, after ten days from the giving of such notice, the dog has not been claimed, the police officer shall dispose of such dog by sale or by destruction in some humane manner. No dog so caught and detained shall be sold for the purpose of vivisection. All moneys derived from the sale of such dog, after deducting the expense of its detention and sale, shall be paid to the Agriculture Commissioner and credited to the Livestock Fund.

(2) It shall be the duty of every police officer to destroy any dog which does not bear a proper license tag, which is found running at large.

Section 23. An officer shall be paid the sum of $1.50 for destroying and properly disposing of the carcass of each unlicensed dog by cremation, burial, or other approved sanitary method. All expenses incurred under this or the preceding section and not otherwise provided for, shall be paid by the Agriculture Commissioner from the Livestock Fund.

Section 24. (1) It shall be unlawful for any police officer to refuse to perform his duties under the provisions of this Act, or to refuse to assist in the enforcement of this Act upon request of the Agriculture Commissioner.

(2) It shall be unlawful for any person to interfere with any officer or agent in the enforcement of this Act.

Section 25. (1) Any person may kill any dog which he sees in the act of pursuing, worrying, or wounding any livestock, or wounding or killing poultry, or attacking human beings, whether or not such dog bears the license tag required by the provisions of this Act. There shall be no liability on such person in damages or otherwise for such killing.

(2) Any unlicensed dog, not accompanied by its owner or keeper, that enters any field or inclosure where livestock or poultry are confined shall constitute a private nuisance and the owner or tenant of such field, or his agent or servant, may kill such dog while it is in the field or inclosure, without liability or responsibility of any nature for such killing.

(3) Subsection (2) hereof shall not apply to licensed dogs, when accompanied by their owner or handler, unless caught in the act of worrying, wounding or killing any livestock, or wounding or killing poultry, or attacking human beings.

(4) Any person who has been attacked by a dog, or any one for such person, may make a complaint before a Justice of the Peace, or Judge of any Police or Quarterly Court, charging the owner or keeper of such dog with harboring a vicious dog. A copy of such complaint shall be served upon the person so charged in the same manner and subject to the same laws regulating the service of summons in civil actions directing him to appear for a hearing of such complaint at a time fixed therein. If such person shall fail to appear at the time fixed, or if upon a hearing of the parties and their witnesses, the Court shall find the person so charged is the owner or keeper of the dog in question, and that the dog has viciously and without cause, attacked a human being when off the premises of the owner or keeper, such official shall order the said owner or keeper to henceforth keep such dog securely confined.

(5) For his services in such proceedings, the judge or justice of the peace and the police officer shall be entitled to the same fees to which they are entitled for performing similar services in civil cases. In all proceedings under this section, such court shall place the cost upon either party as he may determine.

(6) It shall be unlawful for the owner or keeper of any

vicious dog, after receiving such order, to permit such dog to run at large, or to appear on the public highways unless in leash. Any such dog found running at large may be killed by any police officer without liability for damages for such killing.

Section 26. (1) All licensed dogs are hereby declared to be personal property and subjects of larceny. Except as provided in Section 25 of this Act, it is unlawful for any person, except a police officerd, to destroy, injure, or poison, or attempt to destroy, injure, or poison, any dog which bears a license tag for the current year.

(2) It shall be unlawful for any person to place any dog-button or any poison of any description in any place, on his own premises or elsewhere, where it may be easily found and eaten by dogs.

Section 27. It shall be unlawful for the owner or keeper of any female dog to permit her to go beyond the premises of such owner or keeper at any time she is in heat, unless she is properly in leash.

Section 28. (1) The owner or keeper of every dog shall at all times between the hours of sunset and sunrise of each day keep such dog: (a) confined within an inclosure from which it cannot escape, or (b) firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured, or (c) under the reasonable control of some person or when engaged in lawful hunting accompanied by an owner or handler.

(2) Any police officer may destroy any dog found running at large between the hours of sunset and sunrise and unaccompanied and not under the control of the owner or handler.

Section 29. (1) Any owner or keeper of a dog which has killed or injured livestock or poultry or which has bitten such livestock or poultry so severely as to necessitate its destruction, shall be liable to the owner of such livestock or poultry, in a civil action for all damages and costs or to the Commonwealth.

(2) Whenever any person sustains any loss or damage to any livestock or poultry by dogs, or any livestock or poultry of any person is necessarily destroyed because of having been

bitten by a dog, except when such loss, destruction or damage shall have been caused by a dog harbored by the owner of such livestock or poultry, such person or his agent or attorney may, immediately after the damage is done, complain to a duly authorized agent of the Agriculture Department. Such complaint shall be in writing, shall be signed by the person making such complaint, and shall state when, where, and how such damage was done, and by whose dog or dogs, if known. Upon receipt of such complaint, the agent of the Agriculture Department shall at once examine the place where the alleged loss or damage was sustained and the livestock or poultry injured or killed, and shall examine under oath or affirmation, any witnesses called before him. After making diligent inquiry in relation to such claim, such agent, acting as appraiser, shall determine whether any damage has been sustained and the amount thereof and, if possible, who was the owner of the dog or dogs by which such damage was done. If the owner does not agree as to the amount of damage allowed by the appraiser, the owner and appraiser may appoint a disinterested citizen to assist in determining the amount of damage sustained. For such services, the said disinterested citizen shall receive two dollars and mileage at five cents per mile for the distance traveled, which shall be paid by the owner and considered as part of the costs in such claim.

Section 30. (1) Upon receipt by the Agriculture Department of the appraisal report, the Agriculture Commissioner, if he approves the report, shall certify the amount thereof, together with the costs of the proceedings, to the Department of Finance which draws a warrant in the amount thereof on the State Treasurer payable out of the Livestock Fund. If the commissioner does not approve the appraisal report, he shall ascertain the amount of damage sustained.

(2) The state shall succeed to all rights and interests of the owner of livestock or poultry which have been killed or injured by dogs to the extent of any payment made by the State out of the Livestock Fund.

Section 31. (1) No payment shall be made for any injury to or destruction of livestock or poultry if payment has been made by the owner of the dog or dogs doing the injury. The fact

that no such payment has been made shall be certified by the claimant.

(2) When any payment is made by the state for any livestock or poultry, injured by a dog, such payment shall not exceed one hundred dollars for each horse, or mule; one hundred and fifty dollars for each head of registered cattle; one hundred twenty-five dollars for each head of unregistered cattle; twenty-five dollars for each head of unregistered swine, sheep or goats; fifty dollars for each head of registered swine, sheep or goats; three dollars for each full grown goose; five dollars for each full grown turkey; and one dollar for each head of other poultry, or domesticated hare or rabbit. All appraisals under this Act shall be the actual value of the livestock, including poultry killed or injured.

Section 32. Owners of licensed dogs which are killed by any police officer, without justification under the provisions of this Act, shall be recompensed for the value of such dog out of the Livestock Fund in the same manner as owner of livestock or poultry killed or injured by dogs are recompensed. The proceedings for appraisal of the value of the dog and payment of the claim shall conform to the procedures prescribed by Sections 29 and 30 of this Act except that no claim shall exceed one hundred dollars.

The state shall recover the amount paid to the owner of the dog from the officer responsible for the unjustified killing.

The state shall recover the amount paid to the owner of the dog from the officer responsible for the unjustified killing.

Section 33. (1) Any valid claims, or parts thereof, for loss or damage to sheep, horses, mules, cattle, swine or poultry which have accrued under the provisions of Chapter 258 of the Kentucky Revised Statutes, and any such claims which may accrue prior to July 1, 1952 shall not abate by reason of the repeal of such Act, but to the extent that funds are available for the payment thereof, such claims shall be paid out of the available fund of the proper county; and for such purposes the provisions of said Act are hereby saved from repeal.

(2) Any such claims remaining unpaid out of the available

fund of the proper county after December 31, 1953, shall be paid from the Livestock Fund to the extent of available funds as determined by the committee and in the order to their presentation; provided, however, that no such claims presented after December 31, 1954, shall be so paid.

Section 34. (1) If, in the report of the appraiser, the name of the owner of any dog or dogs having caused loss or damage to any livestock or poultry is definitely and conclusively shown or if a written complaint is filed with the Commissioner of Agriculture by any owner of livestock or poultry against any dog, stating that such dog has been seen pursuing or worrying livestock or poultry, and if such charge is proven by investigation on the part of the Agriculture Department, the Agriculture Commissioner may notify the owner or keeper of such dog to immediately destroy the same; whereupon it shall be unlawful and a violation of this Act for such owner or keeper to permit or cause such dog, while alive, to leave or be removed from such premises. The destroying of such dogs shall not remove the liability of the owner for such damage done by his dog. Upon failure of such owner to comply with such order within a period of ten days, any police officer, upon notice from the Agriculture Department, shall destroy such dog wherever found. For such service he shall be entitled to a fee of one dollar for each dog so destroyed, to be paid out of the Livestock Fund upon presentation to the Agriculture Department of satisfactory proof that such dog has been destroyed by him.

(2) Any person who owns or harbors an unlicensed dog shall forfeit any right to be reimbursed out of the Livestock Fund for any damage to his livestock or poultry by dogs.

Section 35. It shall be unlawful for any person knowingly to make any false statement or to conceal any fact required to be disclosed under any of the provisions of this Act.

Section 36. (1) When the inhabitants of any city, or county, or of any part thereof, have suffered an excessive amount of damage to livestock or poultry or domestic game birds by dogs, a petition may be presented to the Agriculture Commissioner, signed by twenty or more of such inhabitants who are owners of livestock or poultry, alleging such excessive damage and request-

ing that a quarantine be placed on all dogs within the limits of such city, or county, or such part thereof. Upon receipt of such petition, the Agriculture Department may, through its authorized agents, have an investigation made of the fact alleged therein, and if convinced that conditions in such city, county or such designated area, demand such stringent measures, may establish a dog control quarantine therein.

(2) When such a quarantine is established, at least ten notices thereof shall be posted throughout the area affected thereby, and notice thereof shall also be published in at least one issue of a newspaper of general circulation throughout such city, or county.

(3) It shall be unlawful for any person, residing in the area affected by such quarantine, to permit a dog owned or harbored by him to run at large in such quarantined area, or to leave the premises where it is kept, unless accompanied by and under the control of the owner or handler.

(4) Any police officer may destroy any dog running at large in a quarantined area, in violation of such quarantine, without any liability for such destruction.

Section 37. Notwithstanding any of the terms or provisions of this Act, the Commonwealth of Kentucky shall not be liable for any loss, injury to, or destruction of livestock, poultry, or licensed dogs under any of the terms or provisions of this Act except as to such claims arising after June 30, 1953, and then only to the extent that monies may be available in the Livestock Fund for the payment of such claims. Within the meaning of this section, the loss, injury to, or damage of livestock, poultry or licensed dogs must happen or occur after June 30, 1953.

Section 38. Nothing in this Act shall be construed to prohibit or to limit the right of any municipality to pass or enforce any ordinance with respect to the regulation of dogs, the provisions of which are not inconsistent with the terms and provisions of this Act. Nothing in this Act shall be construed to repeal any of the provisions of the fish and game laws of the Commonwealth of Kentucky now in effect, nor any laws relating to the powers and duties of the State Board of Health, or of any

health officer relating to mad dogs or dogs affected with any disease, or to prohibit the destroying of licensed or unlicensed dogs in accordance with the provisions of any quarantine regulations made in accordance with the provisions of any local or state health law.

Section 39. (1) Any person violating or failing or refusing to comply with any of the provisions of this Act shall, upon conviction, be fined not less than five dollars nor more than one hundred dollars or imprisoned for not less than five nor more than sixty days or both so fined and imprisoned.

(2) All fines collected under this Act shall, after costs and commissions have been deducted, be paid to the Agriculture Department to be converted to the State Treasury and credited to the Livestock Fund.

Section 40. Except as provided in Section 33 of this Act, Chapter 258 of the Kentucky Revised Statutes hereby is repealed in its entirety.

Section 41. The Livestock Fund shall constitute a revolving fund and any balance remaining in said fund at the end of any fiscal year shall be carried over the next succeeding year and no part thereof shall revert to the General Fund, except that on the first day of January, 1955, and on the first day of January of any year thereafter any unencumbered sum in excess of $200,000 standing to the credit of the Livestock Fund shall revert to the General Fund.

Said motion was agreed to.

Said substitute was adopted.

Mr. Jones moved the Previous Question.

Two members, Mr. Dressman and Friedlander, requested a roll call on the Previous Question.

Mr. Greene moved that the House do now adjourn until 1:00 o'clock P. M., Wednesday, February 27, 1952.

Mr. Lowman moved to amend the motion to adjourn, by moving that the House adjourn until 11:00 o'clock a.m., Wednesday, February 27, 1952.

Said amended motion was agreed to.

The motion to adjourn until 11:00 o'clock a.m., February 27, 1952, was disagreed to.

The yeas and nays on the Previous Question are as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	John Head	Joe Rouse
Sidney Baer	William K. Henry	Amos Runyon
John Rhea Banton	Thomas D. Hewlett	Cecil Sanders
William W. Blanton	William M. Horn	Dr. B. F. Shields
J. C. Bradley	William L. Jones	E. H. (Ted) Stumbo
Ed T. Breathitt	Paul M. Lewis	Egbert V. Taylor
Edw. O. Bridgers	Mrs. J. T. Linton	William F. Threlkeld
Alex H. Calvert	William Maglinger	Marion Vance
Lewis W. Combest	Shelby McCallum	J. B. Veech
Marvin A. Cornett	G. Lee McClain	Eulick (Mike) Walsh
R. Josh Cosby	Tom Mobley	Wm. Thos. Wathen
C. E. Dowell	Robert H. Moore	L. M. Weathers
Thomas R. Duncan	Walter R. Moorman	Hicks Wells
Harold Edwards	Fred H. Morgan	William B. Wells
Herbert Fern	Ewin C. Neville	W.A.(Pete)Wickliffe
Henry J. Giles	Bart N. Peak	Walker H. Wiseman
Eugene B. Hancock	Louis T. Peniston	Garrett L. Withers
George F. Harris	Tipton Reed	—53

Those who voted in the negative were—

Bill Adams	R. L. Dunigan	James W. Lambert
J. Everett Bach	Wm. P. Friedlander	Russell L. Meadows
Thomas L. Britton	Leslie Gay	Thomas J. Murphy
Walter J. Chyle, Jr.	Charles M. Greene	Carl J. Ruh
Charles M. Crowe	E. R. Hilton	Gus F. Sheehan, Jr.
J. C. Denney, Jr.	Paul S. Jonas	John A. Sloan
James A. Dressman, Jr.	Jennings Kearby	Morris Weintraub
		—21

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Ordered that said bill be read at length for the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	William K. Henry	Louis T. Peniston
Sidney Baer	Thomas D. Hewlett	Tipton Reed
John Rhea Banton	Henry R. Heyburn	Joe Rouse
William W. Blanton	William M. Horn	Amos Runyon
J. C. Bradley	William L. Jones	Cecil Sanders
Ed T. Breathitt	Jennings Kearby	Dr. B. F. Shields
Edw. O. Bridgers	Paul M. Lewis	Egbert V. Taylor
Alex H. Calvert	Mrs. J. T. Linton	Albert Thomason
Lewis W. Combest	William Maglinger	William F. Threlkeld
Marvin A. Cornett	Shelby McCallum	J. B. Veech
R. Josh Cosby	G. Lee McClain	Wm. Thos. Wathen
C. E. Dowell	Tom Mobley	Morris Weintraub
Thomas R. Duncan	Robert H. Moore	Hicks Wells
Harold Edwards	Walter R. Moorman	William B. Wells
Henry J. Giles	Fred H. Morgan	W.A.(Pete)Wickliffe
Eugene B. Hancock	Ewin C. Neville	Walker H. Wiseman
George F. Harris	Bart N. Peak	Garrett L. Withers
John Head		

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Those who voted in the negative were—

Bill Adams	Leslie Gay	Thomas J. Murphy
J. Everett Bach	Charles M. Greene	Hobart Rayburn
Walter J. Chyle, Jr.	Henry C. Hale	Earl Rogers
J. C. Denney, Jr.	Farmer Helton	Gus F. Sheehan, Jr.
James A.Dressman,Jr.	E. R. Hilton	John A. Sloan
R. L. Dunigan	Chester J. Holsclaw	Mrs. Thelma Stovall
Jack Early	Jesse H. Lawrence	Eulick (Mike) Walsh
Roscoe Estep	Russell L. Meadows	L. M. Weathers
Wm. P. Friedlander		

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Resolved that the title thereof be as aforesaid.

Mr. Jones moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

SENATE MESSAGE

A message was received from the Senate that they had passed bills & a resolution originating in that body, said bills and resolution by their titles only, are as follows, viz:

S. Res. No. 24. A RESOLUTION authorizing the payment of Special Commissioner's fee and costs in the contest case of Cox v. Hines.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated out of the Legislative Fund the sum of $281.95 to the Honorable Oldham Clarke, Special Commissioner for the Senate Contest Board in the contest between W. P. Cox and Thomas W. Hines for the office of Senator from the Seventh Senatorial District; and the Commissioner of Finance is hereby directed to draw his warrant upon the State Treasurer in favor of the said Oldham Clarke in the total amount herein specified.

Said resolution was ordered printed and referred.

S. B. No. 101. AN ACT relating to public assistance and welfare of needy aged, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. *Definitions*

Section 205.010 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

205.010 *Definitions.* As used in KRS 205.160 to 205.250 and this Act, unless the context requires otherwise:

(1) "Department" means the Department of Economic Security;

(2) "Commissioner" means the Commissioner of Economic Security or his authorized representative;

(3) "Division" means the Division of Public Assistance in the Department of Economic Security;

(4) "Public assistance" means money grants, assistance in kind, or service to or for the benefit of needy aged, needy blind, needy children or relative with whom a needy child lives;

(5) "Needy child" means a child under the age of eighteen (18) who has been deprived of parental support by reason of the death, absence or incapacity of a parent, and who is unable to provide for himself and who does not otherwise have provided for him a subsistence compatible with decency and health;

(6) "Parent," in addition to natural or adopted parent, shall include step-parent;

(7) "Needy aged" means a person who has attained the age of sixty-five (65) and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health;

(8) "Needy blind" means a person who has no vision or whose vision is so defective as to prevent the performance of ordinary activities for which eyesight is essential and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health;

(9) "Relative with whom a needy child lives" means the individual, of the degree of relationship prescribed by regulation, with whom such child is living in a place of residence maintained by such individual by himself or together with one (1) or more other persons of the prescribed degree of relationship;

(10) "Private institution" means any establishment or place other than a public institution operated or maintained by any

individual, association, corporation or other organization which provides a group living arrangement for four (4) or more individuals, who are cared for and maintained in residence for compensation or othewise;

(11) "Public institution" means any establishment or place which is the responsibility of and administered by the state or any political subdivision thereof providing a group living arrangement in which one (1) or more individuals are cared for and maintained in residence;

(12) "Public medical institution" means any public institution the primary purpose of which is to furnish hospital care and medical treatment.

Section 2.

Subsection (3) of section 205.170 of the Kentucky Revised Statutes is hereby repealed.

Section 3. *Confidential treatment of information and records.*

All letters, reports, communications, and other matters, written or oral, to the division or any of its agents, representatives, or employees, or to any board or official functioning under KRS 205.160 to 205.250 and this Act, which have been written, sent, or made in connection with the requirements and administration of the division shall be absolutely privileged and shall not be the subject matter or basis for any suit for slander or libel in any court but no person testifying before the commissioner or his duly authorized representative shall be exempt from punishment for perjury. Information obtained shall not be published or be open for public inspection except that necessary information and records may be furnished to:

(a) Public employees in the performance of their duties in connection with the administration of the public assistance program;

(b) All law enforcement agencies including county attorneys, commonwealth attorneys, county and circuit court judges and grand juries in discovering and prosecuting cases involving fraud;

(c) County Social Services Advisory Committees established for the purpose of advising the Commissioner of Economic Security;

(d) Duly elected members of the General Assembly of the Commonwealth of Kentucky and of the Congress of the United States in connection with their duties as members of such legislative bodies, but such information shall be limited to cases of individual constituents of the legislator who have requested information regarding their application or grant, as specified in the inquiry by such legislator; and

(e) Any interested party at a hearing before the commissioner or his duly authorized representative to the extent necessary for the proper presentation of his case;

Provided, that any names or information obtained through access to such records shall not be used for any commercial or political purposes.

Section 4.

Section 205.200 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

205.200 *Eligibility for public assistance.*

(1) A needy aged person, a needy blind person, a needy child, or a relative with whom a needy child lives shall be eligible to receive a public assistance grant only if he has made a proper application or an application has been made on his behalf in the manner and form prescribed by regulation. No individual shall be eligible to receive public assistance under more than one (1) catagory of public assistance for the same period of time.

(2) Public assistance shall not be payable to or in behalf of any individual who is an inmate of a public institution, except as a patient in a medical institution, or to or in behalf of any individual who is a patient in an institution for tuberculosis or mental diseases, or who has been diagnosed as having tuberculosis or psychosis and is a patient in an institution as a result thereof.

(3) The commissioner may, by regulation, prescribe as a

condition of eligibility that a needy child regularly attend school, and may further, by regulation, prescribe the degree of relationship of the person or persons in whose home such needy child must reside.

(4) No child born out of wedlock after June 15, 1950 shall be eligible under KRS 205.160 to 205.250 and this Act as a needy child until after a bastardy proceeding involving the child has been initiated. The requirement of this subsection may be waived as prescribed by regulation if a bastardy proceeding cannot be had or would be futile, or would not be to the best interest of such child, or its mother or contrary to the public interest.

(5) The department shall promptly notify the appropriate law enforcement officials of the furnishing of aid to dependent children in respect to a child who has been deserted or abandoned by a parent.

(6) (a) A needy aged person or a needy blind person shall not be eligible to receive a public assistance grant unless he now resides and has resided in this state at least three (3) years out of the seven (7) years immediately preceding the application and has resided herein continuously for one (1) year immediately preceding the application.

(b) A needy child residing in the state shall not be eligible to receive a public assistance grant unless he has resided in this state for one (1) year immediately preceding the application or was born within one (1) year immediately preceding the application and its parent or other relative with whom the child is living has resided in this state for at least one (1) year immediately preceding the birth.

Section 5.

Section 205.210 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

205.210 *Amount of assistance; proration in case of deficiency; what constitute resources.*

(1) The amount of public assistance to be granted shall be determined with due regard to the needs and resources of the individual and family as prescribed by regulation, provided,

that if available funds during a budgetary period are insufficient to meet the full needs of the recipients in all or any of the categories of public assistance, the funds available shall be reasonably prorated to recipients in such categories according to pending and anticipated applications during such budgetary period.

(2) Notwithstanding any other provisions of law to the contrary, resources in any given case shall be deemed to include among other things:

(a) The income and any property belonging to any applicant or recipient; except that the first fifty (50) dollars of earned income per month of an applicant or recipient of assistance to needy blind shall be disregarded in determining the needs and resources of such applicant or recipient.

(b) The income and any property of the spouse living with any needy aged or needy blind applicant;

(c) Such income and resources as may be available to applicants or recipients from persons legally liable for their support.

(3) The value of any property voluntarily transferred by any applicant or recipient or the spouse living with any applicant or recipient for the purpose of establishing eligibility for public assistance shall be deemed a resource of such applicant or recipient under this section.

Section 6.

Subsection (2) of section 205.240 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

205.240 (2) *Allocation.*

(2) Prior to July 1 of each fiscal year the commissioner shall allocate the money in the Public Assistance Fund to the three (3) categories of public assistance provided for in KRS 205.160 to 205.250 and this Act; namely, needy children, needy aged and needy blind, in proportion to the estimated number of applicants and recipients in each category for the following fiscal year, provided, that the commissioner may, in any legislative biennium, reallocate said funds based on the number of recipients

during any such biennium and the anticipated applicants during the balance of the biennium.

Section 7. *Recovery of payments; claims against decedents.*

Upon the death of any person who has been paid public assistance as a needy aged or needy blind person, the state shall have a claim against the estate of the deceased for all amounts of public assistance paid to him or on his behalf. The claim shall have priority over all unsecured claims against such estate except the burial expenses of the decedent, the cost of administration of his estate, and the cost of his last illness. The claim shall be filed against the estate of the deceased person in the same manner as other claims are filed against decedents' estates.

Section 8. *Real property lien; filing, enforcement.*

(1) On and after July 1, 1952, the Commonwealth of Kentucky shall have a lien upon all real estate and rights to real estate belonging to, or thereafter acquired, by any recipient of public assistance as a needy aged or needy blind. The lien shall become effective upon the first payment of assistance to the recipient, after the effective date of this section, and shall be cumulative and shall include all amounts paid to the recipient. The lien shall continue until it is satisfied, or become unenforceable.

(2) The lien shall not be effectual as against any mortgagee, purchaser, or judgment creditor without actual notice until notice thereof has been filed by the commissioner in the office of the clerk of the county court of the county in which the property is located. Such notice from the date of the filing thereof shall constitute notice of all payments of assistance, whether paid prior or subsequent to the date of the filing of the notice. Such notice shall be filed by the commissioner in those cases in which it is discovered that the recipient has sufficient real estate to justify the filing of such a notice.

(3) The commissioner, by regulation, shall provide the manner and form of the notice required to be filed by this Act. The notice shall not contain the amount of assistance paid, but the commissioner shall furnish to any authorized person, upon

proper request, the total amount of the lien as of the date of the inquiry.

(4) The clerk of the county court shall file, record and index such notices as other liens on real estate are required by law to be filed, recorded and indexed but shall index said lien only in the name of the recipient. The lien shall be designated "Commonwealth's Lien."

(5) The clerk shall be entitled to a fee of $1.00 for filing and indexing the lien. The department shall pay the fee but the fee shall become a part of the lien as an added cost to the recipient to be recovered at the time a lien is satisfied.

(6) The lien shall not be enforceable while the real estate is occupied by the surviving spouse or until she remarries, or is occupied by a dependent child, provided, no other action is brought to settle the estate.

(7) In any case in which it appears that it would be to the best interest of the recipient to sell his real estate and reinvest the proceeds in other real estate, the department may grant permission and waive the lien to the extent necessary for the purpose of effecting the transfer but such lien shall attach to the reinvested property.

Section 9. *Claim and lien; recovery during life of recipient.*

(1) Any claim under the Act may be precipitated and the lien provided by this Act may be enforceable during the lifetime of any person who has received public assistance as needy aged or needy blind, in order to recover any amount obtained as a result of such person knowingly making a false statement or representation or knowingly failing to disclose a fact to procure, increase, or continue any material benefit for himself.

Section 10. *Revolving Fund; deposits.*

The amounts recovered under Sections 7, 8, or 9 of this Act shall be used for the expense and administration of said sections and to reimburse the fund from which the amount recovered was originally disbursed. All money recovered shall be deposited to a special account in the Revolving, Trust and Agency Fund account of the department to be administered and disbursed in the

same manner and under the same conditions and requirements as is provided by law for other special funds in the State Treasury. Any balance in this fund shall not lapse at any time but shall be continuously available to the department for the purposes set out in this section. A general statement that all continuing appropriations are repealed shall not be construed as repealing this section.

Section 11. *Standards for public medical and private institutions.*

(1) Each private institution or public medical institution that accepts or has facilities available to public assistance recipients shall make provisions for and comply with reasonable standards established by the department for fire protection and safety, plumbing and sanitation, lighting, heating and ventilation, living arrangements, diet and health facilities, and such other factors as may be necessary to promote the health and welfare of the residents cared for in such institutions.

(2) The department shall make, or cause to be made, an inspection of such institutions at least once each year and shall prescribe by regulation the manner and form of reports such institutions must file with the department and the records to be kept by such institutions.

If any other state agency or authority is authorized by law to inspect, approve or license any institution as defined by this Act regarding any of the standards established by this Act, the department shall accept such inspections, approvals or license as compliance with such standards. Such other state agency or authority shall, at the request of the department, furnish to the department a report of its findings.

(3) The provisions of this section may be enforced by any remedy at law or in equity.

Section 12.

In addition to any other liability imposed by law, the stepparent of any child who is an applicant or recipient of public assistance shall be legally chargeable with the support of such child in the same manner as a natural parent.

Section 13. *Penalties.*

Section 205.990 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

205.990 *Penalties*

(1) Any person who violates any of the provisions of KRS 205.170 or section 3 of this Act shall be fined not less than $50 nor more than $200 or imprisoned for not more than six (6) months or both.

(2) Any person who knowingly makes a false statement or representation or knowingly fails to disclose a material fact to procure, increase or continue any benefit for himself or another or who willfully violates any of the provisions of KRS 205.160 to 205.250 and this Act, or any rule or regulation thereunder, shall be fined not less than $10 nor more than $50, or imprisoned for not more than 30 days, or both. Each false statement, representation, failure, or violation and each benefit payment made in reliance on such false statement, representation, failure, or violation shall constitute a separate offense.

Section 14. *Incorporation of this Act in Chapter* 205.

The provisions of KRS 205.160 to 205.250 shall apply to this Act, and wherever in KRS 205.160 to 205.250 reference is made to KRS 205.160 to 205.250 such reference shall be deemed to include the provisions of this Act.

Said bill was ordered printed and referred.

S. B. No. 102. AN ACT establishing county social service advisory committees, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. *Organization*

(1) There is hereby established for each county in this Commonwealth a Social Service Advisory Committee for the purpose of advising the Department of Economic Security on the administration in each county of the public assistance and child welfare programs.

(2) Each Social Service Advisory Committee shall consist of not less than seven (7) members, each of whom shall be a representative citizen resident in the county.

(3) Members of each Social Service Advisory Committee shall be selected as follows:

(a) The county judge in each county shall either serve as a member or shall select another member of the fiscal court of the county to serve.

(b) The ministers of the county shall nominate one (1) of their number to serve; but if they decline to nominate a member, then the Commissioner of Economic Security shall nominate a minister to serve.

(c) The businessmen of the county through such organization or organizations as they may have or may form for this purpose, including service clubs, shall nominate two (2) of their number to serve; but if they decline to nominate two (2) members, then the Commissioner of Economic Security shall nominate one (1) or (2) businessmen, as the case may be, to serve.

(d) The veterans of the county through such organization or organizations as they may have or may form for this purpose shall nominate one (1) of their number to serve; but if they decline to nominate a member, then the Commissioner of Economic Security shall nominate a veteran to serve.

(e) The women of the county through such organization or organizations as they may have or may form for this purpose, such as a League of Women Voters, Women's Club or Parent Teachers Association, shall nominate two (2) of their number to serve; but if they decline to nominate two (2) members, then the Commissioner of Economic Security shall nominate one (1) or two (2) representative women, as the case may be, to serve.

(f) No nominations from organizations formed for the purpose of providing membership herein shall be accepted by the Commissioner of Economic Security unless either there is no organization in the county representative of the groups herein designated for membership, or there are more organizations in the county representative of the groups herein designated for membership than there are members to be nominated and a spe-

cial organization is formed from among the several existing organizations to make nominations.

(g) In the event more nominations are received from appropriate organizations than there are members to be nominated, the Commissioner of Economic Security shall request the organizations to agree among themselves to provide the correct number of nominations, but if they do not so agree then the Commissioner of Economic Security shall select the appropriate number of members from among the nominations received.

(4) Each member nominated to the Social Service Advisory Committee shall be appointed by the Governor to serve for a period of four (4) years, the initial term beginning July 1, 1952, and until a successor has qualified, and may be removed by the Governor for good cause only; provided that the county judge or his representative shall serve during the term for which the county judge is elected or appointed. In the event of a vacancy, nomination for the unexpired term of such vacancy shall be made in accordance with subsection (3) of this section.

(5) The county judge or his representative shall serve as chairman of the committee in his county and shall designate another member of the committee to serve as secretary. Each committee shall meet once each month and at such other times as it may deem necessary.

Section 2. *Functions and duties of committees*

(1) Each committee shall review the public assistance and child welfare program for its county for the purpose of assuring efficient and impartial administration of the programs. To this end local representatives of the Department of Economic Security shall cooperate with each county committee, including the furnishing to the committee of such public assistance records and other information for the county as the committee may deem necessary.

(2) Each committee shall from time to time make such recommendations to the Commissioner of Economic Security as it shall deem necessary.

(3) Meetings of each committee shall be private and no member of any committee shall divulge any information relating

to the public assistance and child welfare programs except to those persons authorized by law to receive such information; provided however, that each committee as a group may from time to time issue public statements about the administration in general of the public assistance and child welfare programs in its county and each member may report to his organization about the administration in general of the social service programs in his county, but in no event shall this proviso be construed to authorize the divulgence of the names of any person receiving public assistance or any specific information about any individual cases.

(4) Each committee shall make such rules and regulations for the conduct of its business as it may deem necessary, including rules designed to preserve the confidential nature of its deliberations as required in subsection (3) of this section; provided that a quorum shall consist of four (4) members and all action taken shall be by a majority vote of the whole membership.

(5) Members of the several committees shall serve without compensation but shall be reimbursed for all authorized expenses.

Section 3. *Service by interim committees*

(1) The several Social Service Committees now serving pursuant to regulations issued by the Commissioner of Economic Security shall each continue to serve until the committee herein provided for shall be constituted.

Said bill was ordered printed and referred.

S. B. No. 132. AN ACT relating to social and welfare services in certain cities and counties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The legislative body of any city of the third class or fiscal court of the county containing such city is authorized to pay public funds to any private agency or organization, or combination of such agencies or organizations, located in the city or county, performing charitable and welfare work among the citizens generally of the city or county.

Section 2. The legislative body of any city of the third class or the fiscal court of the county containing such city, or both acting jointly, may create a department, board or other agency for the purpose of serving either the county or the city or both, in the administration and supervision of: All forms of public assistance, general relief, and social services to adults and children in homes or eleemosynary and correctional institutions; city and county eleemosynary institutions; city and county penal institutions including the establishing of rules and regulations for the custody, government, and parole of inmates; other public welfare activities or services which may be placed within the control of the board.

Said bill was ordered printed and referred.

S. B. No. 145. AN ACT relating to crimes and punishment.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person who, by negligent operation of a motor vehicle, causes the death of another, under circumstances not otherwise punishable as a homicide, shall be imprisoned in the county jail for not more than one year.

Said bill was ordered printed and referred.

S. B. No. 151. AN ACT concerning organization and government of cities of the first class and agencies thereof, repealing sections 69.420, 91.010, 91.030, 91.040, 91.050, etc of KRS and amending sections 93.060, 93.110, 93.120 etc of the KRS.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. Section 69.420 of the Kentucky Revised Statutes pertaining to the appointment qualifications, duties and compensation of assistant city attorneys in cities of the first class, is hereby repealed.

SECTION 2. The following statutes pertaining to the financial administration in cities of the first class are hereby repealed:

(a) Section 91.010 of the Kentucky Revised Statutes delimiting the fiscal year.

(b) Section 91.030 of the Kentucky Revised Statutes pertaining to the receipt, custody and disbursement of city funds.

(c) Section 91.040 of the Kentucky Revised Statutes pertaining to the selection and requirement of depositories for city funds.

(d) Section 91.050 of the Kentucky Revised Statutes pertaining to the accounts and records kept by the director of finance; and auditing of claims against the city; the countersigned of city checks.

(e) Section 91.070 of the Kentucky Revised Statutes pertaining to the reports of the director of finance to city officials.

SECTION 3. The following statutes pertaining to the administration of the department of works in cities of the first class are hereby repealed:

(a) Section 93.030 (2) and (3) of the Kentucky Revised Statutes pertaining to the examination of the chief engineer by an examining board of the city legislative body as a requisite for the position.

(b) Section 93.040 of the Kentucky Revised Statutes pertaining to a separate plumbing department within the department of works.

SECTION 4. Sections 93.130, 93.140, 93.150, 93.160, 93.170, 93.180, 93.190, 93.200, 93.210, 93.220, 93.230, 93.240, 93.250, 93.260, and 93.270 of the Kentucky Revised Statutes pertaining to the creation, functions of the sewerage commission, the construction of a sewerage system under such commission and the issuing of bonds therefor are hereby repealed.

SECTION 5. The following statutes pertaining to the functions of the department of safety and the members of the police and fire departments in cities of the first class are hereby repealed:

(a) Section 95.080 of the Kentucky Revised Statutes pertaining to disciplinary powers of the director of safety over members of the police and fire departments.

(b) Section 95.100 of the Kentucky Revised Statutes pertaining to rules of the director of safety for the police department.

(c) Section 95.110 of the Kentucky Revised Statutes pertaining to the rank and appointment of personnel of the police department.

(d) Section 95.120 of the Kentucky Revised Statutes pertaining to the compensation of personnel of the police department.

(e) Section 95.130 of the Kentucky Revised Statutes pertaining to the appointment of the chief and assistant chiefs of the police department by the director of safety.

(f) Section 95.140 of the Kentucky Revised Statutes pertaining to the powers and duties of the chief of police.

(g) Section 95.150 (2), (3), (4) and (5) of the Kentucky Revised Statutes pertaining to the powers of the police to preserve peace, enforce laws and ordinances, report violations of the health laws and to make inspections of public places.

(h) Section 95.190 of the Kentucky Revised Statutes pertaining to the furnishing of police stations, hold-overs, patrol wagons, business equipment and the disposition of unfit departmental property.

(i) Section 95.220 of the Kentucky Revised Statutes pertaining to rules of the director of safety for the fire department.

(j) Section 95.230 of the Kentucky Revised Statutes pertaining to the rank and appointment of personnel of the fire department.

(k) Section 95.240 of the Kentucky Revised Statutes pertaining to the compensation of personnel of the fire department.

(l) Section 95.250 of the Kentucky Revised Statutes pertaining to the appointment of the chief and assistant chief of the fire department.

(m) Section 95.260 of the Kentucky Revised Statutes pertaining to the furnishing of engine houses, accommodations and equipment necessary for the fire department.

(n) Section 95.280 of the Kentucky Revised Statutes pertaining to interference with the fire department in the performance of duty.

SECTION 6. Section 95.300 of the Kentucky Revised Statutes pertaining to the police pension fund is hereby repealed.

SECTION 7. (1) Sections 95.310, 95.320, 95.330, 95.340, 95.350, 95.360, 95.370, 95.380, 95.390, 95.400, 95.410 and 95.420 of the Kentucky Revised Statutes pertaining to death and retirement benefits and internal management of the firemen's pension fund in cities of the first class are hereby repealed. The repeal of the foregoing sections shall not become effective in any city of the first class which has a firemen's pension fund existing under such sections until the legislative body of such city has enacted an appropriate ordinance, or ordinances, after notice to and consultation with the board of trustees referred to in KRS 95.380, providing for a system of pensions for the members of the fire department of such city.

(2) When the repeal of Kentucky Revised Statutes sections 95.310, 95.320, 95.330, 95.340, 95.350, 95.360, 95.370, 95.380, 95.390, 95.400, 95.410 and 95.420 has become effective in any city of the first class as provided in subsection (1) hereof, all assets of the fund existing pursuant to such sections shall be transferred to and become a part of the firemen's pension fund established by the ordinance, or ordinances, referred to in subsection (1) hereof, providing, however, the new pension fund established by such ordinance, or ordinances, shall make equitable provision for the rights of all persons having an interest in the assets so transferred.

SECTION 8. The following statutes pertaining to personnel in the department of public parks in cities of the first class are hereby repealed:

(a) Section 97.254 of the Kentucky Revised Statutes pertaining to the transfer of police in the employ of the board of park commissioners to the department of public safety under civil service.

(b) Section 97.256 of the Kentucky Revised Statutes pertaining to the transfer of employees of the division of recreation

of the department of public welfare to the department of public parks and recreation under civil service.

SECTION 9. Section 97.258 of the Kentucky Revised Statutes pertaining to the transfer of monies in possession of the board of park commissioners to the director of finance in cities of the first class is hereby repealed.

SECTION 10. Section 98.020 of the Kentucky Revised Statutes pertaining to the establishment and functions of the department of public health in cities of the first class is hereby repealed.

SECTION 11. Section 93.060 of the Kentucky Revised Statutes is amended to read as follows:

Unless otherwise provided by law or by ordinance of the city, the department of public works shall have control of the construction, repairing, cleaning, lighting and heating of all public buildings and of all public improvements of the city.

SECTION 12. Section 93.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) The wharves and landings of cities of the first class shall be under the care and control of the department of public works.

(2) The department shall fix and receive reasonable charges for the use of the wharves and landings and shall keep them in order.

SECTION 13. Section 93.120 of the Kentucky Revised Statutes is amended to read as follows:

The department of public works may lease and receive the rentals from any portion of the wharf property not, at the time, needed for wharf purposes. All leases shall provide for their cancellation, upon such notice as is stipulated therein, whenever the property leased is, in the judgment of the director of works, required for wharf purposes, subject to the approval of the mayor, and any such leases may provide that they may be so cancelled only upon payment by the city to the lessee of the then fair value of any improvements erected on the land of the

city by the lessee and the then existing, whereupon such improvements become the property of the city, and shall be conveyed to it by the lessee. Such fair value shall be based upon prudent original cost less depreciation and obsolescence.

SECTION 14. Section 95.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) The director of safety may, in case of need, appoint special policemen to do special duty at any place within the city, on terms he deems proper and not in conflict with the civil service provisions.

(2) These special policemen shall be governed by such rules as the director may provide, and be given such powers as the director allows; if rules are not provided they shall have the powers and duties of regular policemen.

SECTION 15. Section 95.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) If any property in the custody of the property clerk is desired as evidence in any criminal court, such property shall be delivered to any officer who presents an order to that effect from the court. Such property shall not be retained in the court, but shall be returned to the property clerk.

(2) All property that remains in the custody of the property clerk for three months, without any lawful claimant thereto, may be sold at public auction in a suitable room designated for such purpose, after having been advertised for ten days. The proceeds of such sales shall be paid into the department of public finance of the city to the credit of the police department.

SECTION 16. Section 95.200 of the Kentucky Revised Statutes is amended to read as follows:

Each member of the police force, including special policemen, before entering upon the discharge of his duties, shall take an oath to faithfully discharge the duties of his office. This oath shall be subscribed by the person taking it and filed in the office of the department of public safety.

SECTION 17. Section 95.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) The city legislative body in cities of the first class may enact ordinances providing for a system of pensions for retired and disabled members of the police department and the fire department and their dependents; said city legislative body may levy taxes and appropriate funds for the purpose of paying policemen's pensions and firemen's pensions herein provided for, and said city legislative body may allot and pay to the policemen's pension fund or the firemen's pension fund or either or both of them all fines and forfeitures imposed upon members of the respective departments, and said city legislative body may further provide for, assess and collect contributions from the members for the benefit of the fund.

(2) Any pension fund established under the provisions of this Act shall be held and distributed for the purpose of paying pensions and for no other purpose, except that the governing board of the fund may annually expend for the necessary expenses connected with the fund, including but not limited to expenses for medical, actuarial, accounting and legal services, the amount such governing board deems proper.

Said bill was ordered printed and referred.

S. B. No. 152. AN ACT relating to the Department of State Police.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. Section 16.010 of the Kentucky Revised Statutes is amended to read as follows:

As employed in KRS 16.020 to 16.180, unless the context requires otherwise:

(1) "Department" shall mean the Department of Kentucky State Police;

(2) "Commissioner" shall mean the Commissioner or Commanding Officer of the Kentucky State Police;

(3) "Officer" shall mean any member of the Kentucky State Police who possesses the powers of a peace officer;

(4) "Civilian" shall mean such experts, statisticians, clerks, and other assistants who do not possess the powers of a peace officer;

(5) "Board" shall mean the State Police Personnel Board.

SECTION 2. Section 16.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner shall appoint or promote to the ranks and grades and positions of the Department such officers and civilians as are considered by him to be necessary for the efficient administration of the Department. Such officers and civilians shall receive such compensation as shall be fixed by the Commissioner; provided the same shall reasonably conform to the standards established by the Division of Personnel in the Department of Finance.

(2) All initial appointments of officers to the department shall be made for merit and fitness after a competitive examination.

(3) There is hereby created a State Police Personnel Board consisting of the Commissioner and four other members to be appointed by the Governor, two to be appointed from each of the two major political parties.

(4) The initial appointment of members of the Board shall be for terms of one, two, three and four years. Thereafter each appointment shall be for a term of four years, except that a person appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed for the remainder of that term.

(5) Members of the Board may be removed by the Governor only for cause, after being given a copy of charges against them and an opportunity to be heard publicly on such charges before the Governor.

(6) The Board shall elect one of its members chairman. It shall meet at such time and place as shall be specified by call of the Commissioner. Three members shall constitute a quorum for the transaction of business. Members of the Board other than the Commissioner shall receive compensation of twenty-

five dollars and reimbursement of travel expenses for each meeting of the Board which they attend.

(7) The Board shall make rules and regulations to carry out the purposes herein, which shall include provisions for:

(a) Open competitive examination as to fitness of applicants for employment as officers.

(b) Establishment of eligible lists as a result of such competitive examinations, from which lists, vacancies shall be filled;

(8) The Board shall hear appeals from applications for employment for which examinations are being given or have been conducted and from eligibles on examination registers subject to the procedural rules which the Board may adopt pursuant to the provisions of this section.

SECTION 3. Section 16.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner shall adopt, formulate, alter and repeal rules and regulations for the enlistment, training, discipline, and conduct of officers of the Department; for the promotion of such officers on the basis of seniority of service, qualifications being equal, and he may make any other rules and regulations for the governing and operation of said Department as shall appear to him reasonably necessary to carry out the provisions of KRS 16.010 to 16.180.

(2) He may require any officer or civilian who may receive and/or disburse public funds in the course of his duties to file a bond, conditioned that he will honestly, correctly and according to law, receive, disburse and/or account for all public monies coming into his hands. The Commissioner and each officer shall execute a bond to the Commonwealth of Kentucky in the sum of not less than two thousand dollars ($2,000), conditioned upon the faithful discharge of his duties. The premium on any such bond or bonds shall be paid by the Department. The Commissioner and each officer of the Department shall, before entering upon the discharge of their official duties, take the Constitutional oath of office.

(3) Subject to the provisions of Sections 56.440 to 56.550 of the Kentucky Revised Statutes the Commissioner, with the approval of the Governor and the Commissioner of Finance, may acquire real estate or interests therein, by purchase, lease or otherwise, necessary for the purposes of the Department, and, with like approval, provide for the acquisition or construction of necessary buildings and other permanent structures and facilities. Title to any real estate so acquired shall be taken in the name of the Commonwealth.

SECTION 4. Section 16.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) With the exceptions hereinafter specified, no officer of the Department shall be removed, suspended, reduced in grade or pay for any reason except inefficiency, misconduct, insubordination or violation of law or of any rule or regulation promulgated by the Commissioner. Any person may prefer charges in writing against any officer, which must be filed in the office of the Commissioner. Said charges must be signed by the person making the same, and must set out with clarity and distinction each and every charge. It shall be the duty of the Commissioner whenever probable cause appears, to prefer charges against any officer whom he believes to have been guilty of conduct justifying his removal or punishmnet, in the interest of public order. Within five days after the filing of such charges, the Commissioner shall deliver a copy thereof, either personally or by registered mail, to the officer offending. Within five days after the receipt thereof, such officer may demand public hearing, or may admit the truth of the charges in whole or in part. If said officer admits the truthfulness of said charges, it shall be the duty of the Commissioner to remove, suspend, reduce in rank or pay the officer so offending, in proportion to the seriousness of the charges.

(2) In the event said charges are denied and the officer demands a hearing within the time above specified, he must make such demand known to the Commissioner in writing. After the demand for hearing has been so made, the Commissioner shall within twenty days from the date thereof, arrange for a public hearing before a trial board to be constituted in

the manner hereinafter provided. The officer defendant shall be given not less than five days' notice of the time, place and hour of such hearing.

(3) Upon the hearing, all charges shall be considered traversed and put in issue, and the trial shall be confined and limited to the issues so presented by the written charges. The trial board hearing said charges shall have the power to summon and compel the attendance of witnesses at all hearings or sittings, by subpoena issued by the Commissioner and served upon any witness by any sheriff or other person authorized by law to serve process. If any person fails to comply with any lawful order of the department or with process, or if any witness refuses to testify concerning any matter in which he may lawfully be interrogated, any circuit court judge, upon application of the trial board, or the Commissioner, may compel obedience by proceedings for contempt as in the case of disobedience of a subpoena issued from the circuit court or a refusal to testify therein.

(4) The officer defendant shall have the right to subpoena in his behalf any witness or witnesses he may desire, upon furnishing their names to the trial board or to the Commissioner. Such officer shall likewise have the right to appear in person and by counsel.

(5) All such charges against the officer defendant, together with all proceedings before the trial board, shall be transcribed and reduced in writing and a permanent record kept thereof.

(6) In any instance where the Commissioner has probable cause to believe that an officer has been guilty of conduct justifying his removal or punishment, he is authorized to immediately suspend such officer from duty, or from both pay and duty, pending trial, and such officer shall not be again placed on duty or allowed pay thereafter until a determination of the charges under this section.

(7) The trial board, after hearing such charges, shall fix the punishment of any officer found guilty of any one or more charges, by reprimand or suspension for any length of time not to exceed six months, or by reducing the grade if such officer's

classification warrants same, or by combining any two or more of said punishments, or by reducing the monthly salary of such officer by not more than twenty per cent for not more than six months, or by removing or dismissing from the service of the Department any officer so found guilty.

(8) For the purpose of hearing charges against any officer, as hereinabove set forth, there is hereby created what shall be known as a trial board; said board to consist of the Commissioner and of a panel of ten officers of the Department to be appointed by the Commissioner. The Commissioner shall designate from such panel not less than three nor more than seven members thereof to hear charges against any officer, in the manner and under the procedure above set forth. The Commissioner is authorized to promulgate reasonable rules and regulations governing the procedure before said trial board, provided the same are not in conflict with the provisions of this section. Said panel or trial board shall be a continuing body, and the officers so designated shall serve thereon in addition to their other duties and without any increase in compensation, except they may be reimbursed for meals, lodging and traveling expenses incurred while in the performance of their official duties as members of the board. Any officer defendant may for cause challenge the right of any member, or members, of the board in the trial of any action against him, and if the remaining members of said board find that such challenge is justifiable, said member, or members, of the board shall be excused from hearing said charges, and another member, or members, substituted in lieu thereof.

(9) No officer shall be entitled to a hearing as provided in this section, unless his suspension is for more than twenty days, or his pay reduced more than ten per cent; provided, if such officer receives more than twenty days suspension or reduction in salary of more than ten per cent within a period of one year, he shall have the right to such hearing in the manner above provided.

(10) Any civilian employee may be discharged, suspended or reduced in pay at any time or times by the Commissioner, and such civilian employees shall hold office at the pleasure of the Commissioner.

(11) Any officer appointed to the Department shall be considered on probation for a period of one year from and after the date of his appointment, and during such period may be discharged or suspended or reduced in rank or pay, with or without cause, by said Commissioner. The rights herein conferred upon an officer for a hearing, as provided in this section, shall not accrue until such officer has been employed by the Department for a period of one year or more.

SECTION 5. Section 16.170 of the Kentucky Revised Statutes is amended to read as follows:

No officer of the Department shall, directly or indirectly, give, solicit or receive, or be in any manner concerned in giving, soliciting or receiving, any assessment, subscription or contribution for any political party or political purpose whatever. No officer shall, orally or by letter, solicit or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or purpose whatever from any person holding a position in the Department. No officer of the Department shall take any part in political management or affairs or in political campaigns further than to cast his vote and to express privately his opinion. Violation of the provisions hereof shall be grounds for removal.

SECTION 6. Section 16.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner shall be more than twenty-eight years of age and shall be a citizen of the United States, and shall be selected on the basis of training, experience and qualifications for this position and preferably shall have had at least five years' experience in public or police administration.

(2) The Governor may appoint a deputy commissioner who shall hold office at the pleasure of the Governor and shall serve as Commissioner in the absence or disability of the Commissioner. The qualifications of the deputy commissioner shall be the same as those of the Commissioner as specified in subsection one of this section. He shall have all the powers and duties of an officer of the department and shall be provided with such uniforms, equipment and facilities as are provided

other officers of the department; provided, however, that the deputy commissioner shall acquire no tenure through virtue of his appointment, and that Section 16.050, 16.080 (1), 16.140, 16.150 and 16.160 of the Kentucky Revised Statutes concerning the appointment, promotion and removal of officers shall not apply to the deputy commissioner. The Commissioner may, with the approval of the Governor, designate the rank of the deputy commissioner.

The Governor may appoint an officer of the department to the office of deputy commissioner; provided that if an officer of the department is appointed as deputy commissioner, he shall, upon relief from his duties as deputy commissioner, be reinstated as an officer of the department at the rank held immediately preceding his appointment as deputy commissioner, and the time served as deputy commissioner shall be considered as time served in such rank.

(3) The Commissioner shall appoint from the ten highest ranking officers of the department one officer to act as an executive assistant. Such appointment may be changed at any time or times by the Commissioner and any other officer substituted in lieu thereof.

Said bill was ordered printed and referred.

S. B. No. 166. AN ACT relating to city-county boards of health established by KRS 212.350; and providing for the recovery by such boards of fees and charges for treatment, care and services rendered by institutions operated and maintained by such boards to patients able to pay therefor and creating subrogation rights in such boards against persons liable to such patients.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. City-county boards of health established by KRS 212.350 and operating hospitals and clinics may establish schedules of fees and charges for services

rendered therein or thereby and may recover such fees and charges from any person who receives such services.

SECTION 2. In establishing such schedules the board may make reasonable classifications based upon the financial ability of persons to pay and may vary the charge in accordance with such classifications but no fees or charges shall in any event exceed the approximate cost of rendering the service, including drugs, pharmaceuticals, dressings, medicines or other materials used.

SECTION 3. Such boards may likewise recover the charges so established from the spouse of any person receiving said services or from the parent of such person who is a minor if such spouse or parent has the financial ability to pay.

SECTION 4. Such boards may likewise recover such fees and charges from any person, firm or corporation legally liable to the person receiving said services for such charges and shall be subrogated to the rights of the person receiving such services to the extent of such charges.

SECTION 5. The burden of proving lack of financial ability to pay shall be upon the person claiming such lack.

SECTION 6. No person brought to any such hospital for emergency treatment shall be denied admission on account of his financial condition nor shall the administration of emergency treatment to such person be delayed on account thereof.

SECTION 7. Whereas many persons required by the terms hereof to pay for such services are now escaping or avoiding payment therefor, an emergency is declared to exist and this act shall take effect immediately upon its passage and approval by the Governor.

Said bill was ordered printed and referred.

S. B. No. 168. AN ACT changing the classification of the City of Berea, in Madison County.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the City of Berea, in Madison County, is hereby transferred from the fifth to the fourth class of cities.

Said bill was ordered printed and referred.

S. B. No. 173. AN ACT relating to sewers and drains in counties in which metropolitan sewer districts have been established.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The county court of any county in which a metropolitan sewer district has been established, upon petition of twenty five per cent of the resident freeholders therein may establish a sewer construction district for the purpose of providing sewers and/or drainage facilities to serve the district. The petition shall describe the territory intended to be included in the district, and the sewer and drainage conditions and facilities existing in this territory.

Section 2. When the petition is filed the County Clerk shall give notice of the filing by publication in three issues of a newspaper of general circulation in the county and by posting notices in three public places within the proposed district. Within thirty days after the first publication, any free-holder of the proposed district may file objections, and the court shall set the case for hearing at the first rule day after expiration of said thirty days. If the court finds that the establishment of such district is reasonably necessary for the public health, convenience and comfort of the residents of the district, it shall make an order establishing the district and designating it by name and number.

Section 3. If the court finds that the district is not necessary, it may dismiss the petition. If the court finds that any part of the territory will not be benefitted, it may strike such part.

Section 4. Any party may appeal to the Circuit Court

from the order establishing a district or dismissing the petition or striking or refusing to strike any territory from the district. From a decision of the Circuit Court any party may appeal to the Court of Appeals.

Section 5. The District shall not include the whole or any part of any incorporated city or any sanitation district or metropolitan sewer district except with the consent of the legislative or managing board of such city or district. With such consent, the resident property owners of such city or district will be considered as individual free-holders within the sewer construction district.

Section 6. If the court orders such district established, the court shall appoint three commissioners, from among the residents of the sewer construction district. One of the commissioners shall be appointed for a term of two years, one for a term of three years and one for a term of four years from the date of first appointment. Upon expiration of the term of office of each of these commissioners, the county court shall appoint a commissioner to succeed him, to serve for a term of four years. The commissioners shall elect a chairman, a secretary and a treasurer.

Section 7. The commission thereby created shall be the governing body of the sewer construction district and shall be a body corporate, with power to contract and be contracted with, to sue and be sued and to adopt a corporate seal.

Section 8. The powers of the commission shall be:

(1) To construct, operate and maintain a sewerage and/or drainage system and sewers and drains within the boundaries of the sewer construction district, or to contract with a metropolitan sewer district for such construction, operation and/or maintenance.

(2) To provide for disposition of the sewage and/or drainage, and for treatment of sewage, either through its own facilities or by contract with the metropolitan sewer district.

(3) To clean out, straighten, alter, deepen, fill up or

otherwise improve any stream, water-course receiving sewage, liquid wastes or drainage, located in or out of the district.

(4) To construct, operate and maintain trunk sewers, intercepting sewers, laterals, siphons, pumping stations, sewage treatment and disposal works necessary for the purposes of the district, through its own facilities or by contract with the metropolitan sewer district.

(5) To hold, control, acquire by purchase, donation or condemnation any real or personal property necessary for location, construction, operation or maintenance of its works and improvements and easements for rights of way.

(6) Upon completion of construction of any integral part of the sewer or drainage system, to contract for the operation and maintenance of its works and improvements or easements for rights of way.

(7) Upon completion of construction of any integral part of the sewer or drainage system, to contract for the operation and maintenance of, and extensions to, such part of the system, with the metropolitan sewer district on a service basis for the users, or, with the approval of the court, to have the territory in such part of the sewer construction district incorporated into the metropolitan sewer district for service as provided to other property within said metropolitan sewer district.

Section 9. The commission shall, before entering upon any construction work or any contracts therefor, make a survey of the territory within the district, and report to the Court as to plans for sewer and/or drainage construction and as to the estimated cost thereof, with recommendations as to whether or not such construction is economically feasible. With such report shall be submitted a report and certification from the metropolitan sewer district as to whether or not the project is feasible from a technical and economic standpoint.

Section 10. When such report is filed, the clerk shall, within five days, cause notice of the filing of the report to

be published in three issues of a newspaper of general circulation in the county, and post notices in three public places within the sewer construction district. The proceeding shall be docketed for the first day of the next term of the county court which does not start within twenty days from the first published notice. Property owners may file exceptions to said report at any time up to the day the proceeding is docketed. The court may hear the proceeding on that day, unless further time be required.

Section 11. If a plan for construction of sewers and/or drains is approved by the court, the commissioners shall then examine the real estate in the sewer construction district that may be affected or benefitted by construction and operation of such sewers or drains included in such approved plans, and shall classify the land into such number of classes as the commission deems advisable, and shall report its classification and the ratio of benefits for each class, from such sewers or drains to be constructed. This report as to classification shall include a general description of the land in each class with the names of the owners.

Section 12. When this report of classification of benefits is filed, the clerk shall, within five days, cause notice of the filing of same to be published in three issues of a newspaper of general circulation in the county, and shall post notices in three public places within the sewer construction district. The proceeding shall be docketed for the first day of the next term of the county court which does not start within twenty days from the first published notice. Property owners may file exceptions to said report at any time up to the day the proceeding is docketed. The court may hear the proceeding on that day, unless further time be required.

Section 13. An order of the court confirming, modifying or disapproving a report of commissioners of sewer construction district as to a plan of construction or as to classification of property or ratio of benefits may be appealed to the circuit court by the commission or any property-holder. In the circuit court the appeal shall be docketed on the equity docket and the trial shall be de novo. De-

cisions of the circuit court may be appealed to the Court of Appeals.

Section 14. When the classification and ratio between classes on any specific plan, has been finally determined, the commission may carry out the plan itself, or contract for construction of said sewers and/or drains included in the plan by the metropolitan sewer district or otherwise.

Section 15. When the cost of construction of the planned sewers and/or drains has been ascertained, the commission shall assess the property benefitted in accordance with the classification and area or other basis previously determined. From that date the assessment shall constitute a lien against the property. The land-owner may pay the assessment in full at any time within 30 days after notice of assessment. Every property-owner not paying the full amount of his assessment within 30 days shall be presumed to have consented to the issuing of sewer construction bonds.

Section 16. (1) If all assessments are not paid in full by thirty days after notice of assessment, the commission may issue bonds for the amount of the unpaid assessments, and shall give notice that it proposes to issue bonds, giving the amount of bonds to be issued, and the time they will become payable.

(2) At the expiration of thirty days after the publication, the commission may divide the unpaid assessments into not less than ten annual installments, which shall draw interest at the rate of not more than six percent per annum, payable annually, from thirty days after the date of publication. The bonds shall mature in series to correspond with the installments into which the unpaid assessments are divided, and shall draw interest at the rate of not more than six per cent per annum, payable annually, and be payable at some place to be designated by the commission. The bonds shall be for the exclusive use and benefit of the sewer construction and shall designate on the face the name of the district and the purpose for which they were issued.

(3) The commission, in dividing the unpaid assessments into installments, shall fix the time for payment, and each land-owner shall pay the installments due on his land, with interest due on that installment and deferred installments, to the treasurer of the commission on or before the time fixed by the commission for the maturity of the installment.

(4) Enforcement of payment of assessment and interest shall be by suit.

Section 17. On completion of collection of assessments, distribution of funds and retirement of all bonds, a sewer construction district may be dissolved by order of the county court.

Section 18. The Commissioners shall give bond in such amount as the Court may require. The Treasurer shall give bond in such amount as the Commission may require.

The County Attorney shall represent the Commission, but the Commission may employ additional counsel when the amount of its legal work requires this.

Section 19. The creation of a sewer construction district, and the carrying out of its corporate purposes are in all respects in the interest of public health and for a public purpose. A sewer construction district performs a governmental function in the exercise of the powers conferred upon it, and it shall be required to pay no taxes or assessments upon any property owned or acquired by it, or upon its activities in the operation and maintenance of its facilities. Bonds issued by a sewer construction district and income therefrom are exempt from taxation.

Said bill was ordered printed and referred.

S. B. No. 174. AN ACT relating to sewer and drainage facilities in cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Where adequate sewers or drains have not been

constructed in any territory annexed to a city of the first class since July 1, 1946, the city legislative body may, by ordinance, on recommendation of the director of works, or of the board of a metropolitan sewer district if such city be in such a district, construct branch or lateral lines within such territory to connect with the city's sewer or drainage system.

Section 2. When such sewers or drains are located in a public street or alley, the construction thereof shall be at the exclusive cost of the owners of land as provided in Section 93.370 Kentucky Revised Statutes as to improvement of streets or alleys. When such sewers or drains are located in rights-of-way other than in public ways, the ordinance shall describe the particular territory to be served by the sewers or drains, and the cost shall be allocated to said territory.

The other provisions of Chapter 93 Kentucky Revised Statutes applicable to streets and alleys shall apply to such construction of sewers and drains, except that the actual construction work shall be done by, or under the control of, the metropolitan sewer district.

Section 3. When completed any such sewers or drains shall become a part of the City's sewer and drainage system, subject to charges for service the same as from other parts of said system.

Said bill was ordered printed and referred.

S. B. No. 175. AN ACT relating to sewer and drainage facilities in cities of the first class and in counties containing such cities, amending and re-enacting Sections 76.030, 76.080, 76.130, 76.170, and 76.180, KRS.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That sub-section (3) of Section 76.030 Kentucky Revised Statutes be amended and re-enacted, so that said Section 76.030, as amended and re-enacted, shall read as follows:

76.030 **Board of district; membership, appointment, qualifications, terms, vacancies, removal, compensation.** (1) The business, activities, and affairs of such district shall be managed, controlled and conducted by a board composed of five members, three of whom shall be appointed by the mayor of such city subject to the approval of the city legislative body, and two of whom shall be appointed by the county judge of such county subject to the approval of the fiscal court, and which five members thus appointed shall constitute the board of such district. Not more than three members of the board shall be affiliated with the same political party.

(2) Each such member shall be at least twenty-five years of age; each appointed by the mayor shall be a resident of such city and wherein he shall have actually continuously resided for at least three years next prior to appointment; each appointed by the county judge shall be a resident of such county outside the limits of the city and wherein he shall have actually continuously resided for at least three years next prior to appointment. No officer or employee of such city or county, whether holding a paid or unpaid position, shall be eligible for appointment as a member of such board.

(3) On the first day of July, 1946, or as soon thereafter as may be practicable, the mayor, subject to the approval of the city legislative body shall appoint one member for a term of two years, one member for a term of three years, and one member for a term of four years, and the county judge, subject to the approval of the fiscal court, shall appoint one member for a term of three years and one member for a term of four years, and upon the expiration of each of said terms respectively and thereafter, the term of each of such members shall be four years, ending on July first. A member is eligible to succeed himself, and shall continue in office until his successor has been appointed and qualified. Vacancies in the membership shall be filled for the unexpired portion of the term by the mayor or the county judge as the case may be, subject to the same approval.

(4) Any member of the board appointed by the mayor may be removed by the mayor, for cause, after hearing by the mayor, and after at least ten days' notice in writing shall have been given to the member, which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The finding of the mayor shall be final and removal results in vacancy in such office. Any member of the board appointed by the county judge may be removed by the county judge, for cause, after hearing by the county judge, and after at least ten days' notice in writing shall have been given to the member, which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The finding of the county judge shall be final and removal results in vacancy in such office.

(5) The members of the board shall be paid ten dollars for each meeting of the board attended by such member, but no member of said board shall be paid more than two hundred and forty dollars during any fiscal year of the board, nor for more than twenty-four meetings held during any fiscal year of said board.

Section 2. That an additional sub-section be added to Section 76.080 as sub-section (12) thereof, so that said Section 76.080, as amended, shall read as follows:

76.080 **General powers of district; rates; rentals and charges subject to approval of city legislative body.** The district created under the provisions of this chapter is empowered:

(1) To have jurisdiction, control, possession, and supervision, of the existing sewer and drainage system of such city of the first class; to maintain, operate, reconstruct, and improve the same as a comprehensive sewer and drainage system, and to make additions, betterments, and extensions thereto, within the corporate limits of such city of the first class and within the limits of the county containing such city beyond such city limits, and to have all the rights, privileges, and jurisdiction necessary or proper for carrying

such powers into execution. No enumeration of powers in this chapter shall operate to restrict the meaning of this general grant of power or to exclude other powers comprehended within this general grant.

(2) To prepare or cause to be prepared and to be thereafter revised and adopted, plans, designs, and estimates of costs, of a system of trunk, intercepting, connecting, lateral, and outlet sewers, storm water drains, pumping and ventilating stations, disposal and treatment plants and works, and all other appliances and structures, which in the judgment of the board will provide an effective and advantageous means for relieving such city of the first class and areas in the county in which such city is located outside the city limits which may be embraced in the district, from inadequate sanitary and storm water drainage and from inadequate sanitary disposal and treatment of the sewage thereof, or such sections or parts of such system as the board may from time to time deem proper or convenient to construct, consistent with the plans and purposes of this chapter, and is authorized and empowered to take all such steps as the board may deem proper and necessary to effect the purposes hereof.

(3) To construct any additions, betterments, and extensions to the facilities of the district, by contract or contracts, or under, through, or by means of its own officers, agents, and employees. Provided, however, that before any construction of new sewers or the extension of any existing sewers is begun, the plans for all such projects shall, if said project is within the corporate limits of the City of Louisville, be first submitted to the Director of Works of the City of Louisville for approval by him, and, if so approved, then to be approved by ordinance adopted by the Board of Aldermen of the City of Louisville; and if said project is outside the corporate limits of the City of Louisville, the plans therefor shall then be first approved by the County Engineer of Jefferson County, and, if approved by him, then to be approved by proper action of the Fiscal Court of Jefferson County, except that if said project is without the corporate limits of the City of Louisville but within the corporate

limits of any incorporated city, drainage district, or other political subdivision within Jefferson County, then such prior approval shall be obtained from the governing authorities of any such political subdivisions or district.

(4) To establish, construct, operate and maintain, as a part of the sewer and drainage system of the district, sewage treatment and disposal plants and systems and all the appurtenances and appliances thereunto belonging. Such sewage treatment and disposal plants may be located in the city, or beyond the limits of the city in the county in which the city is located, as the board may deem expedient.

(5) To acquire and hold such personal property as the board may deem necessary and proper for carrying out the corporate purposes of the district and to dispose of personal property when the district has no further need therefor.

(6) To acquire by purchase, gift, lease, or by condemnation, such real property or any interest, right, easement, or privilege therein, as the board may determine necessary, proper and convenient for the corporate purposes of the district, and to use the same so long as such corporate existence shall continue, and same is necessary or useful for the corporate purposes of the district. Condemnation proceedings may be instituted in the name of the district pursuant to a resolution of the board declaring the necessity for the taking, and the method of condemnation shall be the same as provided in KRS 416.120. When the board by resolution declares that any real property which it has acquired, or any interest therein, is no longer necessary or useful for the corporate purposes of the district, such real property and interest therein may be disposed of.

(7) To make by-laws and agreements for the management and regulation of its affairs and for the regulation of the use of property under its control and for the establishment and collection of sewer rates, rentals and charges, which sewer rates, rentals and charges, applicable within the limits of a city of the first class, shall be subject to the

approval, supervision and control of the legislative body of such city as hereinafter provided.

(8) To make contracts and execute all instruments necessary or convenient in the premises.

(9) To borrow money and to issue negotiable bonds and to provide for the rights of the holders thereof.

(10) To fix and collect sewer rates, rentals, and other charges, for service rendered by the facilities of the district, which sewer rates, rentals, and other charges, applicable within the limits of a city of the first class, shall be subject to the approval, supervision and control of the legislative body of such city as hereinafter provided.

(11) To enter on any lands, waters and premises for the purpose of making surveys, and soundings and examinations.

(12) To approve or revise the plans and designs of all trunk, intercepting, connecting, lateral and outlet sewers, storm water drains, pumping and ventilating stations, disposal and treatment plants and works proposed to be constructed, altered or reconstructed by any other person or corporation, private or public, in any city of the first class or county containing such city. No such sewers, drains, pumping or ventilating stations, or disposal or treatment plants or works shall be constructed or reconstructed without approval by the Board of the District. Any such work shall be subject to inspection and supervision of the District.

Section 3. That Section 76.130 Kentucky Revised Statutes be amended and re-enacted so as to read as follows:

73.130 **Deposit and paying out of monies of District.** All monies of the District, from whatever source derived, shall be paid to the Secretary-Treasurer. Such monies shall be deposited in the name of the District by the Secretary-Treasurer, in one or more banks or trust companies, situated in the county in which said city is located, having a capital and surplus of not less than $500,000. The District may require that any or all such deposits be continuously secured

by the pledge of direct obligations of the United States of America, having such value as may be satisfactory to the District. Such securities shall either be deposited with the Secretary-Treasurer or be held by a trustee or agent satisfactory to the District. In lieu of any such pledge of such securities, such funds may be secured by corporate surety bond or bonds, which shall be in form, sufficiency, and substance satisfactory to the District. All banks and trust companies are authorized to give such security for such deposits. The monies in such accounts shall be paid out by the Secretary-Treasurer on warrants signed by the Secretary-Treasurer and countersigned by the Chairman or vice-Chairman of the Board, or signed and countersigned by such other person or persons as the Board may from time to time designate by resolution.

Section 4. That sub-section (1) of Section 76.170 be amended and re-enacted to read as follows:

76.170 **Extension of district to unincorporated or incorporated territory outside limits of city of first class.** (1) The initial unit of the district embraces the area that is coterminous with the boundaries of the city of the first class, subject to extension in the county beyond the boundaries of such city, as in this chapter provided. Where such a metropolitan district has been formed to include a city of the first class, any territory annexed to such city shall thereby immediately become a part of the district. The district may construct and extend its initial sewer and drainage system and facilities beyond the corporate limits of such city of the first class and within the county in which such city is located whenever the district and the owner or owners of real property to be served and located outside the limits of such city, by appropriate written instrument, agree as to apportionment of any and all costs of construction work, subsequent maintenance and operation appertaining thereto, and as to payments by the owner or owners of such real property, of rates, rentals and charges, for the services and facilities to be thus afforded. Thereupon such real property served becomes a part of and is embraced in the district. In like manner the district may construct and extent its sewer and

drainage system and facilities so as to serve all or any part of any other city or other incorporated area located in the same county, pursuant to a written agreement between the district and such other city or incorporated area approved by their respective governing boards or bodies. All such agreements referred to in this section shall be in appropriate form for recording and shall be filed of record with the county clerk as other instruments relating to transfer of or creating a lien upon real estate. Any such agreements entered into by the district pursuant to this section may provide that the corporate boundaries of the district shall be enlarged and extended so as to include the real property of such other city or incorporated area, or part thereof, to be served pursuant to such agreement, and in such case when such instrument has been filed of record with the county clerk as aforesaid, the corporate boundaries of the district shall be thereby officially enlarged and extended so as to include same.

Section 5. That Section 76.180 Kentucky Revised Statutes be revised and re-enacted so that Section 76.180 as revised and re-enacted will read as follows:

Section 76.180 Rules and regulations. The district created under the provisions of this chapter shall have power to make and promulgate all rules and regulations proper or necessary to regulate the use, operation, and maintenance of property and facilities under its control, and to carry into effect the powers granted the district by this chapter. The jurisdiction of the district shall extend beyond the corporate boundaries thereof for regulation of any sewers, drains or water courses, which by natural flow, or otherwise, empty into or flow through any part of the district or the district facilities, or are used by the District or flow through or are constructed in the county in which such district exists.

Said bill was ordered printed and referred.

S. B. No. 193. AN ACT relating to off-street parking facilities in cities providing for an alternate plan for acquisition.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section (1). Any city may provide public Off-Street Parking facilities, and for such purpose shall have the power of condemnation to acquire a fee simple title, and may exercise any or all of the powers provided by Chapter 58 of the Kentucky Revised Statutes. Such city may pledge all or any part of its parking meter revenues to secure such bonds and may make such other conditions or provisions in connection therewith as the legislative body of such city may by ordinance determine.

Section (2). This authority herein contained shall be in addition to any other authority granted to such cities by law, and shall be an alternate plan for the acquisition of such facilities.

Said bill was ordered printed and referred.

S. B. No. 194. AN ACT relating to alcoholic beverage licenses.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 243.160 of the Kentucky Revised Statutes amended to read as follows:

Business authorized by wholesalers license. A wholesaler's license shall authorize the licensee to purchase, receive, store or possess distilled spirits and wine, to sell them at wholesale, from the licensed premises only, and to transport from the licensed premises for himself only any alcoholic beverage which his license authorizes him to sell, provided that he so transport such beverages in the manner provided for manufacturers in KRS 243.120, provided further, that he is to be permitted to transport distilled spirits and wine from a manufacturer's warehouse or from other licensed wholesalers' premises to his licensed premises, if consumers spirits stamps have been properly affixed to the spirits or wine which he so transports.

Said bill was ordered printed and referred.

The Senate message further announced that they had concurred in and passed, bills originating in the House of the following titles, viz:

H. B. No. 1. AN ACT relating to the issuance of duplicate game, hunting, and fishing licenses and tags where such original license or tag is lost or destroyed; providing fees for such duplicate.

H. B. No. 79. AN ACT authorizing second class cities to contribute to the support of dependent children.

H. B. No. 146. AN ACT relating to appointment of members of the board of trustees of the University of Kentucky.

H. B. No. 198. AN ACT, amending KRS 45.280, relating to petty cash funds of state budget units.

H. B. No. 230. AN ACT relating to the use of certain funds for the acquisition of space for the Division of Unemployment Insurance and the Department of Economic Security; amending KRS 341.245.

H. B. No. 224. AN ACT relating to child labor.

H. B. No. 231. AN ACT relating to the selection and adoption of textbooks for use in public schools.

H. B. No. 52. AN ACT relating to the County and Circuit Court record books.

Ordered that said bills be delivered to the Enrolling Clerk.

Mr. Lowman moved that H. B. 331 be recommitteed to the Committee on Kentucky Statutes No. 2.

Said motion was agreed to.

Mr. Lowman moved that H. B. 330 be taken from the Orders of the Day and placed upon its passage, said bill by its title only is as follows, viz:

H. B. No. 330. AN ACT relating to fees of County Judges.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) For services rendered in civil matters in quarterly courts, county judges may collect the same fees allowed by KRS 64.240 to police judges and justices for similar services in civil matters.

(2) Unless the Plaintiff has established his right to prosecute as a poor person under KRS 453.190, each county Judge shall collect at the institution of a civil action the following amounts to be applied on the cost; Where the amount in controversy exclusive of costs and interest is:

Less than $50.00	$3.50
More than $50.00, but not more than $100	5.00
More than $100.00	7.50

(3) For settling accounts of fiduciaries the fee of the county judge may be 1/10% of the first $25,000 and 1/20% of the amount in excess of $25,000 of the gross estate. In no case shall the fee be less than $5.00 or more than $100.00.

Mr. Blanton moved the Previous Question.

Whereupon, the Speaker announced, "Shall the main Question be now put?"

Which was decided in the affirmative.

Mr. Head moved that H. B. 330 be tabled.

Said motion was agreed to.

REFERAL OF BILLS

House Bill 372. Kentucky Statutes No. 1
374. Revenue & Taxation
377. Labor
383. Cities of the Second Class
384. Regulation of Intoxicating Liquors
385. Public Health
386. Revenue & Taxation

387. Education
388. Courts & Legal Procedures
389. Kentucky Statutes No. 1
390. Appropriations
391. Cities of the Second Class
392. Ways & Means
393. Education
394. Cities of the Fifth Class
395. Kentucky Statutes No. 2
396. Education
397. Revenue & Taxation
398. Kentucky Statutes No. 2
399. Criminal Law
401. Kentucky Statutes No. 2
402. Kentucky Statutes No. 2
403. Kentucky Statutes No. 2
404. Kentucky Statutes No. 2
405. Constitutional Amendments
406. Cities of the Fifth Class
407. Education
408. Ways & Means
409. Ways & Means
410. Courts & Legal Procedures
411. Kentucky Statutes No. 2
412. Education
413. Ways & Means
414. Education

House Resolution 43. Kentucky Statutes No. 2

Senate Bill 20. Kentucky Statutes No. 2

66. Kentucky Statutes No. 2

116. Criminal Law

131. Public Utilities

149. Ways & Means

150. Compensation of Industrial Injuries

119. Kentucky Statutes No. 2

165. Kentucky Statutes No. 2

180. Kentucky Statutes No. 2

Mr. Lowman moved that the rules be suspended for the purpose of introducing bills.

Said motion was agreed to.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Mr. Britton.

H. B. 420. AN ACT relating to tourist camps outside of the corporate limits of the cities of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. No person shall engage in the operation or maintenance of a tourist camp outside of the corporate limits of the cities of Kentucky without a license so to do.

2. All applications for a license to operate a tourist camp outside of the corporate cities of Kentucky with or without cabins or other sleeping quarters for transients shall be made in writing filed at a regular term of the county court in the county where said camp is to be located. Such application shall designate whether the applicant will fur-

nish sleeping quarters for transients or not and shall describe the site of the proposed tourist camp by metes and bounds and that it is not nearer than 150 feet to any residence of any person other than the owner of the camp, and that the applicant shall operate said proposed camp in person and according to the terms of this act. He shall file with his application a bond to the Commonwealth of Kentucky binding himself to comply with the provisions hereto and that he will not willingly permit any violation of the laws of Kentucky within the proposed camp and that he will report to the county judge of the county any violations immediately after he receives knowledge thereof. Prior to the filing of said application the applicant shall cause notices of the date when said application shall be filed and a description of the site of the proposed tourist camp by metes and bounds to be published one time in a newspaper printed and circulated in the county where said proposed camp is to be located not earlier than twenty and not later than ten days before said application is to be filed. If no newspaper is printed and circulated in said county, said notice shall be in writing served upon the county judge by an officer authorized by law to serve notices, and a copy thereof posted near the county courthouse door at the place where notices of sales of real estate by order of court are usually posted and a copy of said newspaper or a copy of said written notice with the officer's return theron shall be filed with the application.

3. If no protest against the establishment and operation of the tourist camp at the place described in the application has been filed in the county court on the date of the application, the county court shall approve said application; but if protest has been filed by any citizen of the county, a hearing on said application shall be set by the court within three days from the date of the application, and at said hearing the application for license shall be denied unless the applicant can establish by evidence that his reputation for morals is good and also that his reputation for meeting his obligations are good, and that the boundaries of the proposed camp do not abutt the real estate of the protestant,

or if it abutts the property of the protestant it is not nearer to an occupied residence than 150 feet.

4. Each tourist camp shall be equipped with either a tub or shower bath and with a lavatory, each served with hot and cold water if running water is available, in a comfortable room during all the time the camp is occupied by transients. It shall also be equipped with two rest rooms, one of which shall be designated for men and the other for women by letters at least three inches in height on the doors of the rest room. Each rest room shall be equipped with a commode, and if the rest rooms are within 150 feet of a sewer system it shall be connected with said sewer system, and the commode shall be a flush water commode; but if the rest of room is not within 150 feet of a sewer system in operation, said rest room may be equipped with a commode and concrete vault so constructed that when not in use flies cannot enter the commode or vault. The vault shall be so constructed that it can be thoroughly cleaned at any time. Such vaults shall be cleaned at least once a month and more often if foul odors are emitted therefrom.

5. Each tourist camp shall at all times be equipped with garbage cans sufficient to accomodate all transients occupying the camp with lids that will prevent flies or rodents from contacting the contents thereof, and the operator of the camp shall cause each can to be emptied each day so the camp can be maintained in a sanitary condition at all times.

6. If the application for license to operate a tourist camp shall be approved by the county court, the county clerk shall forwith deliver to the applicant an annual license to operate said camp at the site designated in the application. If the operator shall furnish cabins or other sleeping quarters to transients, he shall be permitted to charge $1.50 a day for use thereof and his annual license for operating such a camp shall be $75.00. But if no sleeping quarters are to be furnished by the operator of the camp, he shall be permitted to charge each transient not exceeding fifty cents a day for occupying said camp and his annual license there-

for shall be $50.00. The applicant shall pay to the county clerk for his services in attending the hearing, copying the record thereof and isuing his license, a fee of $3.00, but if no license is approved, no fee is to be charged to the applicant. All proceeds arising from the licensing of tourist camps on the outside of corporate cities shall be recovered by the county clerk into the county treasury and said proceeds shall become a part of the general fund of the county for the fiscal year in which the licenses are approved, and used to meet any governmental expense of the county.

7. Any person who operates a tourist camp for compensation outside of the corporate limits of the cities of Kentucky without a license so to do shall be fined not less than $200.00 and no more than $450.00, within the discretion of the court or jury trying the case, and should the operator of a licensed tourist camp under this act knowingly violate any of the provisions thereof, his license shall be forfeited and he shall be subject to any damages resulting from said violation to be recovered on his bond filed in the county court with his application for license.

8. All acts and parts of acts in conflict with this act are hereby repealed to the extent of the conflict.

Said bill was ordered printed and referred.

By Mr. Britton.

H. B. 421. AN ACT relating to the election of members of boards of education.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 160.210 of the Kentucky Revised Statutes is amended to read as follows:

Members of boards of education shall be elected from the district at large. Any members of county boards of education elected from divisions, prior to 1952, shall continue to hold their offices until the expiration of their terms.

Section 2. Section 160.220 of the Kentucky Revised Statutes is amended to read as follows:

All elections for members of boards of education shall be by secret ballot. The ballot shall be on a separate sheet from all other ballots used in any election. The county clerk shall cause to be printed on the ballot the names of legally eligible candidates in whose behalf he is petitioned to do so in writing by not less than fifty legal voters of the school district, except that in independent school districts embracing a city of the first or second class the number of such petitioners shall not be less than one hundred. The petitions must be filed as provided in KRS 118.120 and 118.130. Each petition must be signed by the requisite number of qualified persons, and shall show the district and the place of residence of each person signing it. No person shall sign more petitions than the number of offices to be filled.

Section 3. Section 160.230 of the Kentucky Revised Statutes is amended to read as follows:

The ballot shall be in the form prescribed for ballots by the general election law, except that no party emblem or distinguishing mark shall be placed upon the ballot, save the words "School Ballot" at the head thereof. The name of all candidates for membership on the board of education shall be printed on the first fifty ballots in a single column in the order the petitions are filed. On each of the succeeding fifty ballots the names shall be printed in the same order, except that the last name on the preceding fifty ballots shall be shifted to the first place, and so on thereafter throughout, a like change being made in the printed order of names for every fifty ballots. The ballots shall be so bound that in the book of ballots for each voting precinct each candidate's name will appear first on approximately the same number of ballots as that of every other candidate. As many additional lines shall be left blank as there are members to be elected.

Section 4. Section 160.260 of the Kentucky Revised Statutes is amended to read as follows:

Each voter may vote for as many candidates as there are

members to be elected by making a cross in the square opposite the name of each candidate for whom he wishes to vote, and the ballot shall show the number of board members to be elected. The candidates, in number equal to the number of members to be chosen, who have the highest number of votes shall be declared elected.

Said bill was ordered printed and referred.

By Mr. Robinson and Vance.

H. B. 422. AN ACT concerning law libraries.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 172.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) The circuit clerk shall be ex officio librarian of the county law library and he shall see that county and state officials have access to the library at reasonable hours each day except Sunday and holidays. He shall receive a salary of fifty dollars per month for his services as librarian.

Said bill was ordered printed and referred.

Mr. Lowman moved that 200 additional copies of H. B. 400 be printed.

Said motion was agreed to.

Mr. Lowman moved that the House do now adjourn until 11:00 o'clock a.m., Wednesday, February 27, 1952.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, FEBRUARY 27, 1952

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House opened with prayer with Reverend H. Glenn Stephens, Pastor of the South Frankfort, Presbyterian Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bill Adams	Henry J. Giles	Ewin C. Neville
Dr. John Adkins, Jr.	Charles M. Greene	Bart N. Peak
Henry Arrowood	Henry C. Hale	Louis T. Peniston
J. Everett Bach	Eugene B. Hancock	Hobart Rayburn
Sidney Baer	George F. Harris	Tipton Reed
John Rhea Banton	John Head	J. F. Robinson
Clarence J. Barnum	Farmer Helton	Earl Rogers
Owen Billington	William K. Henry	Joe Rouse
William W. Blanton	Thomas D. Hewlett	Carl J. Ruh
R. O. Blevins	Henry R. Heyburn	Amos Runyon
J. C. Bradley	E. R. Hilton	Cecil Sanders
Ed T. Breathitt	Ray Holbrook	Clem Schroader
Edw. O. Bridgers	Chester J. Holsclaw	Gus F. Sheehan, Jr.
Thomas L. Britton	William M. Horn	Dr. B. F. Shields
Alex H. Calvert	Paul S. Jonas	John A. Sloan
Walter J. Chyle, Jr.	William L. Jones	E. A. Spencer
Lewis W. Combest	Jennings Kearby	Mrs. Thelma Stovall
Marvin A. Cornett	James W. Lambert	(Ted) E. H. Stumbo
R. Josh Cosby	Jesse H. Lawrence	Albert Thomason
Charles M. Crowe	Paul M. Lewis	Wm. F. Threlkeld
J. C. Denney, Jr.	Mrs. J. T. Linton	Marion Vance
C. E. Dowell	Harry K. Lowman	Eulick (Mike) Walsh
James A. Dressman, Jr.	William Maglinger	Wm. T. Wathen
Thomas R. Duncan	Shelby McCallum	M. L. Weathers
R. L. Dunigan	G. Lee McClain	W. W. Webster
Jack Early	Russell L. Meadows	Morris Weintraub
Harold Edwards	Tom Mobley	Hicks Wells
William Engle	Robert H. Moore	William B. Wells
Roscoe Estep	Walter R. Moorman	W. A. (Pete) Wickliffe
Herbert Fern	Fred H. Morgan	Walker H. Wiseman
Wm. P. Friedlander	Earl F. Murphy	Garrett L. Withers
Leslie Gay	Thomas J. Murphy	Charles W. Burnley
		Speaker

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Mr. Baer moved that the absentees be granted a leave of absence.

Said motion was agreed to.

The absentees were as follows, viz: Mrs. Mary E. Burnete Egbert V. Taylor, J. B. Veech, Charles W. Wirsch.

Mr. Holbrook moved that the House do now go into the next order of business known as the reading of the Journal.

Said motion was agreed to.

Mr. Barnum moved that the reading of the Journal of the proceedings of Tuesday, February 26, 1952, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Lowman moved that the Motion Hour be limited to thirty minutes.

Said motion was agreed to.

Mr. Lambert moved that H. B. 400 be made a Special Order of business for Tuesday, March 4, 1952 at 2:00 o'clock p.m.

Said motion was disagreed to.

Mr. Weintraub moved that 200 additional copies of H. B. 340 be printed.

Said motion was disagreed to.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and a resolution of the following titles were introduced, viz:

By Mr. Weathers

H. Res. No. 45. A JOINT RESOLUTION authorizing Mrs. H. T. McIntosh, Mrs. Hazel McIntosh Shaw, Mrs. Pauline McIntosh Sherwood, and Wayne McIntosh, as owners of certain real estate in Todd County, Kentucky, to sue Todd County, Kentucky, for injuries sustained by them by reason of change of drainage by Todd County, in work upon county road.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That Mrs. H. T. McIntosh, Mrs. Hazel McIntosh Shaw, Mrs. Pauline McIntosh Sherwood, and Wayne McIntosh, as owners of a certain tract of land in Todd County, Kentucky, be and they are hereby authorized and permitted to sue Todd County, Kentucky, for such damages, if any, to the lands of the said parties, and each of them, caused by the alleged negligence and carelessness of the agents and employees of Todd County, as herein set forth.

2. The amount to be sued for in this resolution shall not exceed Three Thousand Dollars ($3,000.00).

3. That in event the said Mrs. H. T. McIntosh, Mrs. Hazel McIntosh Shaw, Mrs. Pauline McIntosh Sherwood, and Wayne McIntosh, shall recover any judgment against Todd County, Kentucky, it may appeal as in other civil cases, or if they fail to recover judgment, they may appeal as in any other civil cases.

4. That any suits so brought may be settled and adjusted by said parties, as in the manner of any other civil suit.

5. That the amount of any judgment or settlement shall be paid out of the public funds under the control of said County, upon its order.

6. No statement in this resolution shall be considered by either the Court or the Jury as an admission of negligence upon the part of the County of Todd, and this resolution shall not be introduced as evidence or commented upon by counsel in arguments to the Jury.

Said resolution was ordered printed and referred to the Committee on Claims.

By Mr. Moorman.

H. B. No. 423. AN ACT relating to livestock.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any person who owns livestock in this state

may, upon the payment of ten dollars ($10) to the Commissioner of Agriculture, Labor and Statistics, have recorded in a register which the Commissioner shall keep for that purpose, his own identifying brand. The Commissioner shall furnish to the owner a certificate, issued under seal, setting forth the name and address of the owner, the location of his farm or farms, and a specific description of the identifying brand assigned to such owner. When any such identifying brand has been recorded as the brand of any owner of livestock in this state, such brand shall not be recorded for use by any other owner. No other livestock owner shall be permitted to either register or to use such identification brand, or any other brand, or identification, that is so similar to the registered brand as to be confusing or misleading.

Section 2. Any owner of livestock in this state may select any distinctive brand that has not been selected and registered by any other owner. Such brand may be of any design selected by the owner that is distinct and practicable for use as identification of the ownership of any animal or animals. Such brand may be a symbol or combination of symbols, letters or a combination of letters, or numbers or a combination of numbers, or a combination of some specific symbol, letters and numbers, or either such grouping. The Commissioner shall keep a record of such registered brands and upon request of any person interested shall supply such person with the name and address of the owner of each such registered brand.

Any livestock owner in Kentucky who files with the Commissioner a brand, as hereinabove authorized, may upon application to the Commissioner change said brand to some other distinct brand in the same manner as the original brand is filed and obtained and upon the payment to the Commissioner of the same fee.

When application is made to the Commissioner for the registration of a brand, the Commissioner shall cause such application to be carefully examined and the Commissioner shall determine (1) that the brand applied for is a practical brand; (2) that it is distinct and easily distinguished from any other registered brand; and (3) that the brand is not one that would

unreasonably restrict the registration of other brands. The Commissioner shall prescribe and furnish to applicants appropriate forms for making application for the registry of such brands. Any such registered brand may be applied to the animal as indicated by the applicant in the application, provided that the method is approved by the Commissioner when the application for the brand is approved. The certificate of the Commissioner shall indicate the approval both of the brand and of the method of its application to the animal. Such application and brand may be either applied by chemicals or in any other humane manner approved by the Commissioner. Each application for such brand shall indicate what part of the anatomy of the animal will be branded and the manner and method in which such branding will be done.

Section 3. All fees paid under the provisions of this Act shall be credited to a revolving fund and shall be used by the Commissioner to administer and enforce the provisions of this Act.

Section 4. Any person who knowingly and intentionally uses a registered brand on animals other than those owned by the registered owner of such brand, shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten nor more than one hundred dollars. Any person other than the owner of an animal who willfully and intentionally obliterates or destroys the owners' registered brand on an animal so that it cannot be identified, or so as to make identification difficult, shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than two hundred dollars and in addition thereto in the discretion of the jury may be confined in jail for not to exceed twelve months.

Said bill was ordered printed and referred.

By Mr. Rogers and Denney.

H. B. No. 424. AN ACT relating to dogs.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 258.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) All license fees collected by the sheriff or paid over to him by a deputy sheriff shall be paid to the county treasurer and credited to a Dog License Fund.

(2) All fines collected under subsection (3) and (4) of KRS 258.990 shall, after costs and commissions have been deducted from the fines, be paid to the county treasurer, to be credited to the Dog License Fund.

(3) The sheriff shall keep, as a matter of information, an accurate record of all license fees collected by him or paid over to him by a deputy sheriff.

Section 2. Section 258.350 of the Kentucky Revised Statutes is amended to read as follows:

The sheriff or deputy sheriff shall receive fifteen cents for every license issued by him, to be paid out of the county Dog License Fund and shall be retained by the sheriff or deputy sheriff as his fee for issuing the license.

Section 3. Section 258.360 of the Kentucky Revised Statutes is amended to read as follows:

The sheriff shall, on or before February 1 of each year, make a report to the fiscal court of all licenses issued and the amount collected therefrom the amount collected in fines and the amount paid out and for what.

Section 4. Section 258.400 of the Kentucky Revised Statutes is amended to read as follows:

The collector of dog licenses appointed under KRS 258.370 shall be entitled to twenty percent of the amount collected from dog licenses, which shall be his total compensation for issuing the license. He shall, however, be entitled to and receive the fees and cost stipulated in KRS 258.140 for the services therein mentioned in addition to his fees for issuing the licenses. He shall make a report to the county clerk on the first day of each month showing the number of licenses issued and pay to the county treasurer funds which he has collected, less the twenty percent which he shall retain for himself. The county treasurer shall credit the balance to the Dog License Fund.

Section 5. A new section of the Kentucky Revised Statutes is created to read as follows:

All funds in the County Dog License Fund at the end of each year shall be equally divided between and paid to the county and independent school districts in the county.

Section 6. Section 258.330, 258.340, 258.430 to 258.490 and subsection (2) of section 258.420 of the Kentucky Revised Statutes are repealed.

Said bill was ordered printed and referred.

By Mr. Ruh.

H. B. No. 425. AN ACT relating to offenses against morality.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. In no event shall the operation of a pari mutual betting system, where authorized by law, or the operation of the game known as "bingo" by a religious, charitable or educational organization, constitute grounds for the suspension or revocation of any licenses issued under the provisions of chapter 243 of the Kentucky Revised Statutes nor shall any of the provisions of KRS 436.200 to 436.430 apply to the operation of the game known as "bingo" by a religious, charitable or educational organization, or the participation in such a game.

Sec. 2. Whereas, the status and application of various provisions of KRS Chapter 243, and of KRS 436.200 to 436.430, are in doubt, and the state is threatened with loss of revenue and expensive litigation, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Said bill was ordered printed and referred.

By Mr. Dressman.

H. B. No. 426. AN ACT relating to county police.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 70.560 of the Kentucky Revised Statutes is amended to read as follows:

The fiscal court shall, by order, fix the amount of the salary of members of the county police force pursuant to the provisions of KRS 64.530, and may, within their discretion provide for motor vehicles, stations, substations, places of detention, telephone, wireless, radio or other means of communication within their discretion and make appropriate levy and appropriations therefor, and may also, with the approval of the judge of the county court, direct the amount of bond to be required of each member of said county police force and may, in their discretion, provide for the payment of premiums on said bonds out of funds appropriated for said county police force.

Said bill was ordered printed and referred.

COMMITTEE REPORTS

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 180. AN ACT relating to insurance rates, amending KRS 304.603 and KRS 304.627.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 165. AN ACT relating to inquest, commitment and discharge of incompetent persons, amending section 202.080 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 112. AN ACT relating to county tax commissioner; election; qualifications; term; removal, resignation; deceased.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 113. AN ACT relating to the completion of tax roll by tax commissioner; filing of recapitulation and intangible schedules; correction of assessment, return and preservation of intangible schedules.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 210. AN ACT relating to the payment of certain expenses of Commonwealth's attorneys, and declaring an emergency to exist.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Public Utilities, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 131. AN ACT to repeal, amend and re-enact Sections 278.130, 278.190, 278.290, 278.410, and 278.450, Ken-

tucky Revised Statutes, which sections relate to the regulation of utilities, and declaring an emergency to exist.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and Ordered placed in the calendar.

Dr. Alex Calvert, Chairman of the Committee on Public Utilities, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 159. AN ACT relating to utilities owned by cities of the second to sixth classes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 119. AN ACT amending Section 423.010, Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and Ordered placed in the calendar.

Mr. Alex Calvert, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 186. AN ACT relating to volunteer firemen.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Upon application to the Chief of the City Fire Department, or to the county judge, depending upon the location of the volunteer unit, any member of a volunteer fire department shall be issued a permit authorizing the installa-

tion of a siren and flashing lights on his personal motor vehicle. Such siren and flashing lights shall be used only while the volunteer fireman is answering a fire call or other emergency.

Section 2. Use of the siren or flashing lights in violation of section 1 of this Act shall result in automatic revocation of the permit allowing such equipment on a volunteer firemen's vehicle, and shall subject him to a fine of not less than twenty dollars nor more than fifty dollars.

With Committee amendment thereto, by way of substitute, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 189.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every motor vehicle and bicycle, when in use on a highway shall be equipped with a horn or other device capable of making an abrupt sound sufficiently loud to be heard under all ordinary traffic conditions. Every person operating an automobile or bicycle shall sound the horn or sound device whenever necessary as a warning of the approach of such vehicle to pedestrains, or other vehicles, but shall not sound the horn or sound device unnecessarily.

(2) No vehicle shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle or bell, except as permitted in this subsection or in subsection (3). Any commercial vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. Any outhorized emergency vehicle may be equipped with a siren, whistle or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type approved by the department, but the siren shall be used only when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violater of the law, in which event the driver shall sound the siren when necessary to warn pedestrians and other drivers of the approach of the vehicle. A bell may be used on a bicycle.

(3) Any person who is a regular or voluntary member of a department furnishing fire protection for a political subdivision of the state and who obtains a written permission of the governing body of that political subdivision may equip his private automobile with a siren and flashing lights, and may use such equipment, in the manner prescribed in subsection (2), while proceeding to the scene of a fire in the performance of his official duties as a member of a fire department.

(4) No driver or operator of a vehicle equipped with a siren, whistle, bell, or flashing lights under the provisions of subsection (2) or (3) shall use such equipment for any purposes other than those authorized in those subsections.

With the expression of opinion that same should pass by way of committee substitute.

Whereupon, said bill was read at length for the first time and

Ordered placed in the calendar.

Mr. Eulick Walsh, Chairman of the Committee on Railroads, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 320. AN ACT relating to appeals in criminal cases.

With the expression of opinion that same should pass with committee amendments as follows:

Amend. No. 1. On page 2, section 2, line 3 and 4:

By striking lines 3 and 4 in their entirety and substituting in lieu thereof the following: "activities of employes of a railroad company on any railroad property during a labor dispute or at any other time, or to public or private roads, streets, ways or easements".

Whereupon, said bill was read at length for the first time and Ordered placed in the calendar.

Mr. Sidney Baer, Chairman of the Committee on Criminal Law, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 399. AN ACT relating to appeals in criminal cases.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and Ordered placed in the calendar.

Mr. Sidney Baer, Chairman of the Committee on Criminal Law, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 116. AN ACT relating to crimes and punishment. With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and Ordered placed in the calendar.

CALENDAR

The House took up for consideration from the Calendar, bills of the following titles, viz:

H. B. 368. AN ACT appropriating money out of the general expenditure fund for the fiscal year ending June 30, 1952, for expenses of sessions of the General Assembly, and declaring an emergency to exist.

H. B. 369. AN ACT relating to the Division of Publicity, amending KRS 146.060.

H. B. 326. AN ACT relating to eminent domain.

H. B. 327. AN ACT relating to the construction of pipe lines.

S. B. 147. AN ACT relating to the control and suppression of air pollution; etc.

H. B. 356. AN ACT relating to the practice of law and the State Bar Association, amending section 30.170 of the Kentucky Revised Statutes.

H. B. 179. AN ACT relating to cattle or any species as thereof running at large.

H. B. 257. AN ACT relating to the appointment of a stenographer to the Commonwealth attorney in counties containing a city of the second class, etc.

Mr. Lowman moved that the second reading of said bills be

dispensed with, and said bills be read by their titles only, and placed in the Orders of the Day.

Said motion was agreed to.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 400. AN ACT relating to redistricting the Commonwealth of Kentucky into eight Congressional Districts amending Section 120.060 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 120.060 of the Kentucky Revised Statutes is amended to read as follows: The Commonwealth is divided into eight Congressional Districts, composed as follows:

(1) First District: Fulton, Hickman, Carlisle, Ballard, McCracken, Graves, Livingston, Marshall, Calloway, Crittenden, Caldwell, Lyon, Trigg, Christian, Muhlenberg, Ohio and Butler.

(2) Second District: Todd, Logan, Simpson, Warren, Allen, Edmonson, Grayson, Breckinridge, Hancock, Daviess, Henderson, McLean, Hopkins, Webster, Union and Meade.

(3) Third District: Jefferson.

(4) Fourth District: Hardin, Hart, Barren, Metcalf, Adair, Green, Taylor, Marion, Larue, Washington, Nelson, Bullitt, Spencer, Anderson, Shelby, Oldham, Mercer, Woodford, Boyle and Lincoln.

(5) Fifth District: Carroll, Gallatin, Boone, Kenton, Campbell, Pendleton, Bracken, Mason, Lewis, Fleming, Boyd, Greenup, Lawrence, Trimble and Grant.

(6) Sixth District: Henry, Owen, Harrison, Scott, Franklin, Fayette, Jessamine, Garrard, Madison, Estill, Rowan, Powell, Clark, Montgomery, Men-

ifee, Bath, Nicholas, Robertson, Bourbon and Carter.

(7) Seventh District: Elliott, Morgan, Wolfe, Breathitt, Perry, Letcher, Knott, Floyd, Pike, Magoffin, Johnson, Martin and Lee.

(8) Eighth District: Casey, Russell, Cumberland, Monroe, Clinton, Wayne, Pulaski, McCreary, Rockcastle, Jackson, Owsley, Laurel, Whitley, Knox, Bell, Clay, Leslie and Harlan.

Section 2. Notwithstanding the provisions of Section 1 hereof, if any vacancy in the office of Representative in Congress shall exist or occur before January 3, 1953, in any district, the vacancy shall be filled as provided by law from the district as it existed prior to the enactment of this Act.

Section 3. WHEREAS, the time for filing for nomination to the office of Representative in Congress is now close at hand, and it is desirable to eliminate any question with regard to the districts for which such candidacies may be filed,

NOW, THEREFORE, an emergency is declared to exist and this Act shall take effect from and after its passage and approval by the Governor, or from and after such time as this Act becomes a law without the approval of the Governor.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Henry C. Hale	Ewin C. Neville
J. Everett Bach	Eugene B. Hancock	Bart N. Peak
Sidney Baer	George F. Harris	Louis T. Peniston
John Rhea Banton	John Head	Hobart Rayburn
Clarence J. Barnum	Farmer Helton	Tipton Reed
Owen Billington	William K. Henry	J. F. Robinson
William W. Blanton	Thomas D. Hewlett	Earl Rogers
J. C. Bradley	Henry R. Heyburn	Joe Rouse
Ed T. Breathitt	Ray Holbrook	Carl J. Ruh
Edw. O. Bridgers	Chester J. Holsclaw	Amos Runyon
Alex H. Calvert	William M. Horn	Cecil Sanders
Walter J. Chyle, Jr.	Paul S. Jonas	Clem Schroader
Lewis W. Combest	William L. Jones	Gus F. Sheehan, Jr.
R. Josh Cosby	Jennings Kearby	Dr. B. F. Shields
J. C. Denney, Jr.	James W. Lambert	E. A. Spencer
C. E. Dowell	Jesse H. Lawrence	Mrs. Thelma Stovall
James A. Dressman, Jr.	Paul M. Lewis	E. H. (Ted) Stumbo
Thomas R. Duncan	Mrs. J. T. Linton	Albert Thomason
R. L. Dunigan	Harry K. Lowman	Wm. F. Threlkeld
Jack Early	William Maglinger	Marion Vance
Harold Edwards	Shelby McCallum	Eulick (Mike) Walsh
William Engle	G. Lee McClain	Wm. T. Wathen
Roscoe Estep	Tom Mobley	L. M. Weathers
Herbert Fern	Robert H. Moore	W. W. Webster
Wm. P. Friedlander	Walter R. Moorman	William B. Wells
Leslie Gay	Fred H. Morgan	W. A. (Pete) Wickliffe
Henry J. Giles	Earl F. Murphy	Walker H. Wiseman
Charles M. Greene	Thomas J. Murphy	Garrett L. Withers

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Those who voted in the negative were—

Bill Adams	Charles M. Crowe	Morris Weintraub
Thomas L. Britton	E. R. Hilton	Hicks Wells
Marvin A. Cornett	John A. Sloan	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Jonas moved that 500 copies of the map as appeared in the Courier Journal on February 26, 1952, of the redistricting, be supplied to the members of the House.

Said motion was agreed to.

Mr. Lowman moved that H. B. 284 be taken from the Orders of the Day and placed upon its passage, said bill by its title only is as follows, viz:

H. B. No. 284. AN ACT relating to Game & Fish.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1 Section 150.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Angling" means the taking or attempting to take fish by hook and line in hand, rod in hand, set line or trot line, but does not include the use of grabbling hooks, gang hooks, snag lines, gigs, or nets of any kind.

(2) "Buy" includes offering to buy, acquiring or possessing through purchase, barter, exchange or trade.

(3) "Commission" means the Department of Fish and Wild Life Resources Commission.

(4) "Commissioner" means the Commissioner of the Department of Fish and Wild Life Resources.

(5) "Device" means any article, instrument or equipment of whatever nature or kind which may be used to take wild animals, wild birds or fish.

(6) "Department" means the Department of Fish and Wild Life Resources.

(7) "Grabbling" means the taking of fish by hooking, snatching or snagging by the use of one or more single or multi-barbed hooks on either a hand or pole line.

(8) "Gigging" means the taking of fish by spearing or impaling on any pronged or barbed instrument attached to the end of a rigid pole.

(9) "Impounded waters" means any public waters backed up by a dam constructed and used for hydroelectric purposes or for the purpose of flood control.

(10) "Navigable waters" means any waters within this state under lock and dam.

(11) "Non-Resident" means a person who has not resided in this state for one year prior to his application for a license.

(12) "Noodling" or "tickling" means the taking of fish from any stream or body of water by hand and without the use of any artificial device.

(13) "Minnows" means all fish under six inches in length, except bass (large and small mouth and Kentucky), rock bass or goggle-eye, trout, crappie, jack salmon, walleye pike or striped bass, sand pike or sauger or muskellunge.

(14) "Public waters" means all waters within the state flowing in a natural channel stream.

(15) "Raw Fur" means a hide, fur or pelt of a fur bearing animal which has not been processed by an established commercial processor. Skinning, stretching, oiling or coloring by the person who took the animal shall not be considered as processing.

(16) "Resident" means any person who has resided in this state for one year prior to his application for a license.

(17) "Rough Fish" means any fish other than black bass (large mouth, small mouth or Kentucky) and crappie, jack salmon or walleye pike, striped bass, sand pike or sauger and muskellunge, rock bass or goggle-eye.

(18) "Sell" includes offering to sell, having or possessing for sale, barter, exchange or trade.

(19) "Snag Line" means any set line anchored at one or more terminal points in any stream or body of water which contains one or more hooks, either single or multi-barbed, and which is used without bait.

(20) "Take" includes pursue, shoot, hunt, wound, kill, trap or capture in any way; and any lesser act designed to lure, attract or entice for such purposes, to place, set, aim or use any device, animal substance or agency which may be reasonably expected to accomplish such acts; every attempt to do such acts or to assist any other person in the doing of or the attempt to do such acts.

(21) "Transport" shall include the offering or receiving for transportation.

(22) "Wild Bird" and "Wild Animal" include such wild bird or wild animal or any part thereof.

(23) "Wild Life" means any wild bird, wild animal, fish, amphibian or other form of aquatic life protected or unprotected by this chapter.

(24) "Regulation" means a written regulation adopted by the Commissioner with the approval of the Commission.

(25) "Prescribed by the Department" means established by a regulation or regulations.

(26) "Hunting" means to take or attempt to take in any manner, whether the hunter has game in possession or not.

(27) "Fishing" means to take or attempt to take in any manner, whether the fisherman has fish in possession or not.

Sec. 2 Section 150.015 of the Kentucky Revised Statutes is amended to read as follows:

The declared purpose of this Act, and the policy of the Commonwealth of Kentucky, is to protect and conserve the wild life of this Commonwealth so as to insure a permanent and continued supply of the wild life resources of this state for the purpose of furnishing sport and recreation for the present and for the future residents of this state; to promote the general wel-

fare of the Commonwealth; to provide for the prudent taking and disposition of wild life within reasonable limits, based upon the adequacy of the supply thereof; to protect the food supply of this state, and to insure the continuation of an important part of the Commonwealth of this state which depends upon the existence of its wild life resources. It is further the declared purpose of this act, and the policy of this Commonwealth, that an adequate and flexible system be installed to accomplish the aforesaid purposes. All of the provisions of this Act shall be liberally construed in such manner as most effectually to carry out its purposes and intent.

Sec. 3 Section 150.021 of the Kentucky Revised Statutes is amended to read as follows:

There is created an agency of the state government to be known as the Department of Fish and Wild Life Resources, which shall constitute a statutory administrative department of the state government within the meaning of Chapter 12 of the KRS. The department shall consist of a Commissioner, a Fish and Wild Life Resources Commission and such Conservation Officers and other agents and employees as are provided for in this chapter. The department shall enforce the laws and regulations adopted under this chapter relating to wild life and shall exercise all powers necessarily incident thereto.

Any powers conferred by this chapter upon the Department of Fish and Wild Life Resources, the Fish and Wild Life Resources Commission, or the Commissioner of the Department of Fish and Wild Life Resources shall be exercised subject to the provisions of KRS chapters 42, 45, 56 and 64, which chapters shall in all respects be controlling, and any reference in those chapters to the Division of Game and Fish, the Game and Fish Commission, or the Director of the Division of Game and Fish shall be deemed to refer, respectively, to the Department of Fish and Wild Life Resources, the Fish and Wild Life Resources Commission, and the Commissioner of the Department of Fish and Wild Life Resources.

Sec. 4 Section 150.022 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Fish and Wild Life Resources Commission shall consist of nine members, one from each Wild Life District, as set out by the Commissioner with the approval of the Commission, and not more than five of the same political party.

(2) The Governor shall appoint the members of the Commission. Each of such members shall be appointed for a term of four years. All persons who shall be members of the Game and Fish Commission upon the effective date of the 1952 Act by which this section was amended shall continue to serve as members of the Fish and Wild Life Resources Commission until such time as their respective terms as members of the Game and Fish Commission would normally have expired.

(3) Vacancies through the expiration of terms of the members of the Commission shall be filled by appointment by the Governor from a list of five names from each Wild Life District, recommended and submitted by the Sportsmen of each respective district. When the term of a member expires, the Commissioner shall call a meeting of the Sportsmen in that district not later than thirty days prior to the expiration of such member's term. Notice of the meeting shall be given by publication at least two times in a newspaper having state-wide circulation, at least thirty days prior to the date set for the meeting. At such meeting, the Sportsmen in attendance shall select and submit to the Governor a list of five residents and citizens of the district who are well informed on the subject of wild life conservation and restoration. The Governor shall appoint a successor to the member whose term is about to expire within sixty days following the submission to him of the list hereinabove referred to, and in no event later than August 13th.

(4) In the event of vacancies other than by expiration, the Governor shall fill the vacancy for the unexpired part of the term from the names remaining on the list previously submitted for the district from which the vacancy arose.

(5) Each member of the Commission shall take the constitutional oath of office.

(6) The Governor may remove any member of the Commission for inefficiency, neglect of duty, or misconduct in office; but shall first deliver to such member a copy of all charges in writing and afford to him an opportunity of being publicly heard in person or by counsel in defense of such charges, upon not less than ten days notice. If a member shall be removed, the Governor shall file in the office of the Secretary of State a complete statement of all charges made against such member and his findings thereon, together with a complete record of the proceedings.

(7) Each member of the Commission shall be entitled to reimbursement for actual and necessary traveling and other expenses incurred by him in the discharge of his official duties, such expenses not to exceed $500.00 per annum for each member, and to be paid from the Game and Fish fund.

(8) A majority of the Commission shall constitute a quorum for the transaction of any business, for the performance of any duty or for the exercise of any power vested in the Commission.

(9) The Department shall have its principal office in Franklin County, and is authorized to purchase all supplies, equipment and printed forms and to issue such notices and publications as the Commissioner may deem necessary to carry out the provisions of this Chapter.

(10) The word "sportsman" as used in this section shall mean a resident hunter or fisherman who has been licensed in Kentucky for each of the past two consecutive years.

Sec. 5 Section 150.023 of the Kentucky Revised Statutes is amended to read as follows:

(1) The members of the Commission shall meet in Frankfort quarterly, upon a date to be determined and fixed by the Commissioner, or as often as may be necessary for the transaction of business, upon reasonable notice to each member of such meetings.

(2) The Commission shall conduct civil service examinations for all employees in the Department.

(3) The Commission shall at all times keep a watchful eye upon the Department of Fish and Wild Life Resources, and advise the Commissioner to take such action as may be beneficial to the Department and in the interest of wild life and conservation of natural resources.

(4) The Commissioner, with the approval of the Commission, shall establish such divisions and sub-divisions, and shall employ such experts, clerks and other employees as he deems necessary for the conduct of the work of the Department and for the effectual accomplishment of the declared purposes of this Chapter, and shall fix the compensation of all employees of the Department, to be paid out of the Game and Fish Fund.

(5) The Commissioner, with the approval of the Commission shall authorize such scientific and other studies as he deems necessary, and shall collect, classify and disseminate such statistics, data and information as in his discretion will tend to promote the objects of this chapter.

(6) The Commissioner, with the approval of the Commission, shall have the exclusive power to expend for the protection, conservation, propagation and restoration of game, birds, fish and fur bearing animals, and amphibians all funds of the state acquired for the protection, conservation, propagation or restoration of birds, animals and fish, arising from licenses, gifts or otherwise.

Sec. 6 Section 150.024 of the Kentucky Revised Statutes is amended to read as follows:

The Department shall have the right to acquire such property as may be necessary to carry out the purpose of this Chapter, and it shall have the right of eminent domain as provided in KRS 416.010 to 416.080.

Sec. 7 Section 150.025 of the Kentucky Revised Statutes is amended to read as follows:

If the Commissioner, with the concurrence of the Commission, and after giving due regard to the public recreation and

sport afforded thereby, the economic value and breeding habits of any species, class, type or breed of wild life, either native or imported, finds that the supply thereof has become unduly depleted or finds that, because of adverse weather conditions, floods, disease, fire, inadequate food supply, breeding conditions, lack of cover, unequal distribution, excessive destruction or wide-spread violations of the Fish and Wild Life laws or for any other reason, there is serious danger that the continued supply thereof may be depleted, the Department shall adopt such regulations as may be necessary and proper to restore supply or to prevent the further depletion thereof. Such regulations may be made to apply to a limited area or to the entire state.

(2) In carrying out the provisions of this section the Department may, by regulations:

(a) Fix, close, terminate, shorten or divide open season, or make open seasons conditional:

(b) Regulate bag or creel limits and possession limits:

(c) Regulate buying, selling or transporting:

(d) Regulate the size or type of any device used for taking, and regulate any method of taking:

(e) Regulate or restrict the places where taking is permitted:

(f) Regulate taking, or the opening or closing of seasons in waters in which the Department is conducting experiments or making improvements for the purpose of promoting the conservation of wild life and increasing the supply thereof:

(g) Make any other regulations reasonably necessary to implement or carry out the purposes of this Chapter.

(3) Regulations adopted under this section shall be subject to the provisions of KRS 13.020, but no regulation adopted under this section, except where an emergency is declared to exist under subsection (4), shall become effective immediately after it has been filed with the Secretary of State unless otherwise specified. When any regulation which applies to the entire state is adopted under this section, the Commissioner immediately shall cause a copy thereof to be published once in two

different newspapers having a general circulation in this state. When any regulation which applies to a limited area is adopted under this section, the Commissioner shall immediately cause a copy thereof to be published once in at least one newspaper of general circulation in each county in which a part of the area is located. The Commissioner also shall file two copies thereof with the county court clerk of each county in which the regulation is applicable, one copy of which shall be posted on the courthouse door or bulletin board. As soon as practicable, and within the budgetary limits of the Department, the Commissioner shall furnish additional copies of any regulation adopted by the Department to the county court clerk of each county in which the regulation is applicable, for distribution to sportsmen and other persons; and the Commissioner shall furnish copies to any person or organization requesting the same. Except as provided in subsection (5), each regulation adopted hereunder shall remain in effect until rescinded, unless otherwise provided in the regulation.

(4) If the Commissioner, with the concurrence of the Commission, finds that an emergency exists, a regulation may be made to become effective when specified after it has been filed in the office of the Secretary of State. In such cases, the regulation shall state the circumstances which give rise to the emergency. Such emergency regulation shall not remain in effect for a period longer than sixty days unless renewed, and each renewal thereof shall be limited to a period of sixty days. Renewals shall be made in the same manner as the original regulation.

(5) The date on which any regulation becomes effective after filing with the Secretary of State, shall be immediately or as specified in the regulation.

(6) The fact that any person has not received actual notice of the contents of or the adoption of any regulations under this section shall not excuse any violation of the provisions of the regulations and shall not be a defense to a prosecution for a violation thereof.

Sec. 8 Section 150.061 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commission shall appoint a Commissioner of the Department of Fish and Wild Life Resources, who shall be a man with knowledge of and experience in the requirements for the protection, conservation and restoration of the wild life resources of the state. The Commissioner shall serve for an indefinite term, subject to removal by the Commission for the same cause and in the same manner in which the Governor may remove a member of the Commission.

(2) The Commissioner shall receive such compensation as the Commission may determine, and shall be reimbursed for all actual and necessary travel and other expenses incurred by him in the performance of his official duties.

(3) Before entering upon the duties of his office, the Commissioner shall take and subscribe to the constitutional oath of office, and shall, in addition thereto, swear or affirm that he holds no other public office, nor any position upon or under any political committee or party.

(4) The Commissioner shall have general supervision or control of all activities, functions and employees of the Department of Fish and Wild Life Resources. He shall enforce all provisions of the laws of the state relating to wild animals, birds and fish, and shall exercise all powers necessarily incident thereto not specifically conferred on the Commission. The Commissioner shall make an annual report of all receipts and disbursements to the League of Kentucky Sportsmen.

Sec. 9 Section 150.071 of the Kentucky Revised Statutes is amended to read as follows:

(1) The members of the Fish and Wild Life Resources Commission shall constitute, ex officio, a Civil Service Commission, for the Department of Fish and Wild Life Resources.

(2) The Commission shall prescribe, propound, and conduct such examinations as are properly commensurate with positions within the Department of Fish and Wild Life Resources.

(3) The time and place for holding such examinations shall be fixed by the Commission, and notice thereof shall be given at least ten days prior to the fixed date by announcements through newspapers of the state, through press releases, and

through distribution in any other manner the Commission may deem necessary. Such announcements shall state a time and place, the qualifications required of applicants, and all pertinent facts relating to the positions to be filled.

(4) The Commission shall establish a uniform system of grading all examinations given under this section, and shall, as soon as practicable after the giving of such examinations, grade the applicants and certify to the Commissioner an eligible list of all applicants so examined who have made passing grades. The one passing the examination with the highest average grade shall be listed first and all others shall be listed numerically according to the results of the examinations.

Sec. 10 Section 150.072 of the Kentucky Revised Statutes is amended to read as follows:

(1) All appointments of the Department of Fish and Wild Life Resources shall be made by the Commissioner from among the three highest names on the eligible list provided for in KRS 150.071.

(2) No appointment shall be made to any position in the Department of Fish and Wild Life Resources except from the eligible list provided for in subsection (4) of KRS 150.071.

(3) Whenever the Commissioner shall determine that an emergency exists, he may make emergency appointments. Such emergency appointments need not come from the eligible list; however, in no case shall an emergency period exceed ninety days.

Sec. 11 Section 150.080 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner may appoint from the eligible list provided for in subsection (4) of KRS 150.071, as many conservation officers as may be necessary to enforce the Fish and Wild Life laws in an efficient manner in accordance with this chapter.

Sec. 12 Section 150.081 of the Kentucky Revised Statutes is amended to read as follows:

While retaining the right to vote as he may please and to

express privately his opinion of all political subjects and issues, no employee or officer of the Department of Fish and Wild Life Resources, including the Commissioner, shall take any active part in political management or political campaigns, nor shall he use his office or influence for the purpose of interfering in any election or affecting the results thereof, or for the purpose of coercing the political action of any body or person.

Sec. 13 Section 150.083 of the Kentucky Revised Statutes is amended to read as follows:

(1) For violation of orders or failure to perform duties, the Commissioner may suspend any employee for a period of time not to exceed two months, or may impose a fine of not more than two months pay, or impose both fine and suspension. Conservation Officers may also be demoted for violation of orders. For a second or subsequent violation of orders or failure to perform his duties, the accused shall be dismissed by the Commissioner.

(2) Nothing in this chapter is intended to prevent the Department from decreasing the number of employees, when in the opinion of the Commission and the Commissioner it is necessary to the efficient operation of the Department. When the numbers are so decreased, the youngest in point of service shall be the first to be released and shall be placed at the head of the eligible list in the order of their seniority.

Sec. 14 Section 150.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) Conservation Officers or other persons appointed by the Commissioner and all Peace Officers and their deputies shall enforce the provisions of this chapter. They may arrest on sight, without a warrant, any person detected by them, or any of them, in the act of violating any of the provisions of this chapter. They shall have the same rights as Sheriffs to require aid in arresting with or without process any person found by them violating any of the provisions of this chapter and may seize without process anything declared by this chapter to be contraband. No liability shall be incurred by any person so charged and directed.

(2) Conservation Officers and other officers charged with the enforcement of this chapter shall have authority to call for and inspect the license or badge of any person engaged in any activity for the performance of which a license is required under this chapter and to call for and inspect any and all fire arms being carried upon the person of any person so engaged.

(3) No person shall resist, obstruct, interfere with or threaten or attempt to intimidate or in any other manner interfere with any officer in the discharge of his duties under the provisions of this chapter.

Sec. 15 Section 150.095 of the Kentucky Revised Statutes is amended to read as follows:

All conservation officers are hereby authorized to keep and bear arms upon their person, concealed or otherwise, in the same manner as all other peace officers, and to exercise the use of such arms to such extent as the same may be necessary in the discharge of their duties.

Sec. 16 Section 150.100 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner, all personnel of the Department and all officers and other persons appointed by the Commissioner may execute any process issued by a court, enforcing the provisions of this chapter or any law relating to the propagation or protection of Fish and Wild Life in the same manner as any constable or sheriff. To accomplish that purpose they may call any peace officer or other person to their aid.

Sec. 17 Section 150.105 of the Kentucky Revised Statutes is amended to read as follows:

Notwithstanding any other provisions of this chapter, the Commissioner may, with the approval of the Commission, authorize Conservation Officers or any other person to destroy or bring under control in such manner as he deems necessary any wild animal, fish, or wild birds, protected or unprotected, which are causing damage to persons, property, or other animals, fish or birds and which in his judgment should be eliminated or controlled to prevent further damage.

Sec. 18 Section 150.110 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner and Conservation Officers may arrest without warrant anyone violating any of the provisions of KRS 150.490 to 150.520 or any of the rules or regulations made by the Department of Fish and Wild Life Resources for the protection of mussels under this chapter. They may inspect mussels in any warehouse, boat, store, car or receptacle when they have good cause to believe that any of the provisions of KRS 150.490 to 150.520 or any of the rules or regulations made thereunder have been or are being violated. This authority does not include the right to enter any dwelling house without a search warrant. When such officers find mussels in the possession of anyone in violation of this chapter, the mussels shall be confiscated and sold in the manner provided by KRS 150.120 for the sale of confiscated fish and game.

Sec. 19 Section 150.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner, all Conservation Officers, persons appointed by the Commissioner, and all peace officers and their deputies shall seize and take possession of any and all furs, fish, wild animals, wild birds, guns, dogs, instruments, boats or devices which have been taken, used, transported or possessed contrary to any law or regulation adopted under this chapter. Upon complaint showing probable cause for believing that any of the wild animals or wild birds protected by any law or regulation are illegally kept in any building, car or receptacle, any court having jurisdiction may issue a search warrant and cause the same to be searched. Any wild birds, wild animals, fish, furs, guns, dogs, instruments, or devices seized in accordance with this section shall be impounded by the arresting officer and shall be taken before the court trying the person arrested.

(2) Upon conviction, the court or jury trying the case shall have the discretion of determining whether or not any of the things seized under the provisions of subsection (1) of this section shall be declared contraband. Any animal, bird, fish, fur or dog taken, and any device used or possessed contrary to the provisions of this chapter, or any regulations adopted here-

under, is subject to being declared contraband. When any such item is declared contraband, the court shall enter an order accordingly. A copy of the order shall be forwarded to the Commissioner and the contraband shall be placed in the custody of the arresting officer, to be delivered to the Commissioner.

(3) The Commissioner may sell to the residents of this state, at the highest market price obtainable, with the approval of the Governor and the Director of Purchases and Public Properties, all contraband which comes to his possession under the order of any court, or which has been seized under this chapter and declared to be contraband under any law relating to fish or wildlife. All proceeds arising from the sale of contraband articles shall be paid into the Game and Fish Fund. A record of the sale, including the name of the purchaser and the price paid, shall be kept by the Commissioner.

(4) Any device or contrivance, the use of which is not expressly recognized and sanctioned by the provisions of this chapter for the taking of fish, amphibians, birds, or animals, is hereby declared to be an illegal device. No person shall have in his possession while taking any wild birds, wild animals or fish any illegal device or other thing prohibited by law or by any regulation adopted under this chapter for the taking of wild birds, wild animals or fish.

Sec. 20 Section 150.130 of the Kentucky Revised Statutes is amended to read as follows:

All county attorneys and commonwealth's attorneys shall enforce the provisions of this chapter and all regulations adopted hereunder, and they shall be paid for their services in this regard in the manner specified in KRS 150.160.

Sec. 21 Section 150.140 of the Kentucky Revised Statutes is amended to read as follows:

Each Justice or Clerk of the Court before whom any prosecution under this chapter for the violation of any law or regulation for the protection of wild life, animals, birds or fish may be commenced or shall go on appeal shall, within twenty days after a decision has been rendered therein, report in writing to the Commissioner the result of the prosecution, the amount of

fine collected or penalty imposed, if any. All moneys collected as fines or penalties for the violation of any law or regulation, which according to law goes to the Game and Fish Fund, shall be paid within thirty days to the Commissioner by the court, justice or other officer collecting or receiving the moneys, and the same shall be paid by the Commissioner to the State Treasurer within thirty days thereafter.

Sec. 22 Section 150.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in this chapter, all moneys derived from the sale of licenses or from any other source connected with the administration of this chapter shall be promptly paid over to the State Treasurer, who shall deposit such moneys in a special fund, known as the Game and Fish Fund. The Game and Fish Fund shall be used to carry out the purposes of this chapter and any law or regulation for the protection of wild animals, birds or fish, and for no other purpose.

(2) All funds received under KRS 150.110 and 150.490 to 150.520 shall be used by the Department for the purpose of enforcing those sections and for the protection and propagation of mussel beds. Any surplus remaining in the fund at the close of each calendar year shall be turned into the general fund of the Department.

Sec. 23 Section 150.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any fine imposed for the violation of this chapter shall, when collected, be divided as follows: Forty Percent shall be given to the County Attorney or Commonwealth Attorney who is present and prosecutes the case and the remaining sixty percent to the Commissioner, to be paid into the Game and Fish Fund. If no county or commonwealth attorney actually prosecutes, the entire fine shall be paid into the Game and Fish Fund.

(2) In the event that an appeal is taken to the circuit court from any conviction imposed pursuant to the provisions of this chapter, and in the further event that the same officer who prosecuted the violation to a successful conclusion in the lower

court is not charged with and does not handle the continued prosecution of the same in the circuit court, then forty percent of such fine as may be finally imposed in the circuit court shall, when collected, be divided equally among all of the officers actively participating in the prosecution of said case in both the lower and circuit courts.

(3) Every judgment entered upon the trial of any violation of this chapter shall recite whether or not the county attorney or the commonwealth attorney, or both, was present and actively prosecuted the action on behalf of the Commonwealth. Unless there is such an entry on the judgment book of the court showing the presence and participation of such officer or officers in the trial, none shall be entitled to any part of the fine.

Sec. 24 Section 150.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in sub-sections (2), (3), (4), (5) and (6) of this section and subject to regulations adopted under this chapter, no person shall do any act authorized by any kind of license or permit provided for in this chapter with respect to game and fish unless he holds the kind of license or permit that authorizes such act. It is the specific purpose of this chapter to prohibit the taking or pursuing of any wild life or wild animals, protected or unprotected, or the angling in any stream or body of water, whether public or private, without first procuring the license provided for herein, except to such extent as may be otherwise provided in this section.

(2) A person under sixteen years of age may, without a trapping license, take wild animals by trapping and, without a fishing license, take fish by angling, or take minnows by the use of a minnow seine.

(3) Resident landowners, and resident children and lessees on their lands may, without a fishing license, take fish from the waters thereon by angling, such angling, in the case of public waters, to be from the bank only, and such persons may, without a hunting license, take wild animals and wild birds therefrom (except by trapping), subject to the further provisions of this chapter.

(4) Residents or non-residents attending and participating in any annual state or national field trial may so attend and participate without obtaining a hunting license.

(5) Any resident of this state who is sixty-five years of age or older may, without a hunting or fishing license, do any act authorized by such a license, but while so doing he must carry upon his person an affidavit stating the year and place of his birth.

(6) The provisions of this chapter for the protection of wild animals shall not apply to any resident landowner of this state who kills on his land any wild animal that is causing damage to such land or to any personal property situated thereon.

(7) In the event a reciprocal agreement is entered into between the Commissioner of the Department of Fish and Wild Life Resources of this state, with the approval of the Commission, and the similar authority, of the state of Tennessee, pursuant to which persons holding a fishing license (Resident or Non-Resident) or a state-wide hunting license (Resident or Non-Resident) issued in this state are permitted to perform the acts authorized by such license upon so much of the waters of any lake, extending across the boundary between Kentucky and Tennessee, as lies within the State of Tennessee, then any person holding a similar fishing license or hunting license issued in the State of Tennessee may, during the duration of such agreement, perform the acts authorized by such license upon so much of the waters of such lake as lies within this state, without having obtained a license therefor in this state.

Sec. 25 Section 150.175 of the Kentucky Revised Statutes is amended to read as follows:

The kinds of licenses and tags authorized by this chapter, and the acts authorized to be performed under such licenses and tags, subject to the other provisions of this chapter and subject to regulations adopted under this chapter, are as follows:

(1) A state-wide fishing license, which authorizes the holder thereof to take fish by angling, to take minnows by the use of a minnow seine, to take fish by grabbling, gigging and by noodling or tickling, and to take frogs from any waters in any

county of this state open for such purposes and subject to the limitations hereinafter set forth and such additional limitations as the Department may from time to time prescribe.

(2) A ten day fishing license which may be issued only to a nonresident and which authorizes the holder thereof to take fish by angling, grabbling, gigging and noodling or tickling from any of the waters of this state, including the Ohio River, for a period of ten consecutive days, beginning as of a day which shall be stated in the license when issued by the county clerk, and subject to all limitations hereinafter set forth and such further limitations as may be prescribed by regulation of the Department from time to time.

(3) A commercial fishing license, which authorizes the holder thereof to perform any act authorized by a fishing license and to take fish from the navigable streams of the state, but not above the last lock and dam up the stream, by the use of twine seines, twine hoop nets, or snag lines, provided that the holder of such license has first obtained a tag for each seine, hoop net and snag line. Such license shall also authorize the holder thereof to sell fish, other than those protected by this chapter, either at wholesale or retail.

(4) An Ohio River fishing license, which may be issued only to a citizen of Ohio, Indiana or Illinois, and which authorizes the holder thereof to take fish from the Ohio River only by any method authorized under a state-wide fishing license.

(5) An Ohio River commercial fishing license, which may be issued only to a citizen of Ohio, Indiana and Illinois, and which authorizes the holder thereof to exercise in the Ohio River only the same privileges that may be exercised under a commercial fishing license, as defined in sub-section (3) of this section, provided that the holder of such license has first obtained a tag for each seine, hoop net and snag line.

(6) A seine tag, which may be issued only to a person holding a commercial fishing license or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the navigable waters of this state, or from the Ohio River only, as the case may be, one hundred feet

of seine or part thereof. A separate tag shall be required for each one hundred feet of seine or part thereof.

(7) A hoop net tag, which may be issued only to a person holding a commercial fishing license or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the navigable waters of this state, or from the Ohio River only, as the case may be, one hoop net. A separate tag shall be required for each hoop net.

(8) A snag line tag, which may be issued only to the holder of a commercial fishing license, or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the navigable waters of this state, or from the Ohio River only, as the case may be, one snag line. A separate tag shall be required for each snag line.

(9) A live bait dealer's license, which may be issued only to a resident of this state and which authorizes the holder thereof to sell live bait to be used in angling.

(10) A musseling license, which authorizes the holder thereof to take mussels for commercial purposes from any shell bed.

(11) A state-wide hunting license, which authorizes the holder thereof to take or pursue wild animals, in any county of this state, with bow and arrow, gun, gun and dog or dog; and to take wild birds with bow and arrow or with gun; and to participate in a fox hunting party engaged in the hunting or pursuing of foxes with dogs for sport; and to take frogs from any waters open for such purposes, but only in such manner as provided elsewhere in this chapter.

(12) A junior state-wide hunting license, which may be issued only to a resident of this state, before he has reached his or her 16th birthday, and which authorizes the holder thereof to exercise all the privileges authorized by a state-wide hunting license.

(13) A trapping license, which authorizes the holder thereof to take wild animals by trapping upon his own lands or upon the lands of another person. (Provided that the holder of

such license shall have first obtained a written consent as provided in KRS 150.400 and 150.410).

(14) A taxidermist license, which authorizes the holder thereof to engage in the business of preparing, stuffing and mounting, in life-like form, the skins of wild animals.

(15) A commercial guide's license, which may be issued only to a resident of this state, and which authorizes the holder thereof to receive payment or remuneration of any kind for services rendered as a guide for angling or hunting parties.

(16) A fur buyer's license, which may be issued only to a resident of this state, and which authorizes the holder thereof to buy raw furs from trappers and hunters and to sell raw furs so purchased to a licensed fur processor.

(17) A fur processor's license, which may be issued only to a resident of this state, and which authorizes the holder thereof to buy raw furs from a licensed fur buyer, for the purpose of processing, manufacture or retention in cold storage for resale to another licensed fur processor, to process or manufacture such raw furs, or hold them in cold storage, to sell such raw furs to or buy the same from another fur processor licensed in this state, to sell raw furs to a licensed non-resident fur buyer, or to buy raw furs from a non-resident fur processor licensed in the state of his residence to deal in raw furs.

(18) A non-resident fur buyer's license, which authorizes the holder thereof to buy raw furs from persons legally having the same in their possession in this state and to transport or ship the same out of this state.

Sec. 26 Section 150.176 of the Kentucky Revised Statutes is amended to read as follows:

No hunting or fishing license authorized by this chapter shall be issued to the resident of any other state which does not grant to the citizens of this state the privilege to secure license to hunt and fish during any open season in such state.

Sec. 27 Section 150.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as otherwise provided in this section or else-

where in this chapter, and subject to regulations adopted under this chapter, no person, for himself or as the agent or employee of another, shall sell, buy, transport or direct to be transported any wild animal, wild bird or fish protected by this chapter, or any raw fur.

(2) Mussels and fish, other than black bass (large mouth or small mouth and Kentucky) rock bass or goggle-eye, crappie, jack salmon, walleye pike or striped bass, sand pike or sauger and muskellunge may be bought, sold and transported, if in legal possession.

(3) Raw furs, if in legal possession, may be sold by a licensed trapper or licensed hunter to a licensed fur buyer (resident or non-resident), and by a licensed fur buyer to a licensed fur processor or to another fur buyer. A licensed fur buyer may buy raw furs from a licensed trapper or licensed hunter, if in legal possession of the trapper or hunter, and licensed fur processors may buy such furs from a licensed fur buyer or from another licensed fur processor, if in legal possession of such fur buyer or processor, and may buy raw furs from a non-resident fur processor licensed in the state of his residence to deal in raw furs. A licensed fur processor may sell raw furs to another licensed fur processor or to a licensed non-resident fur buyer. A licensed non-resident fur buyer may buy raw furs from any person having the same legally in possession.

(4) Subject to regulations adopted under this chapter, any person authorized by sub-section (3) of this section to sell or buy raw furs may transport, between any points within this state, any such furs legally in his possession. No person may transport or ship raw furs from this state to a point outside this state unless he holds a non-resident fur buyer's license, except that an individual who has lawfully taken a fur bearing animal in this state or who has legally purchased the pelts of fur bearing animals may ship the pelts thereof at any time during the period such pelts may be in his legal possession in this state, to a non-resident fur processor who is licensed in the state of his residence to deal in raw furs, or to a non-resident taxidermist for the purpose of mounting.

(5) Subject to regulations adopted under this chapter, a

person who has been issued a license under this chapter and who has the license on his person may transport anywhere as a part of his personal baggage any wild animals, wild birds or fish legally taken by him under such license, not in excess of the number that the law or regulations permit him to have in possession at any one time.

(6) A person who has legally taken any wild animal, wild bird or fish in another state and who has in his possession the license which authorizes such taking may, if the same be dead, transport the same to this state, as part of his personal baggage at any time during the open season for the particular species in the state in which taken or within ten days after the close of such season. Any person may ship dead game or dead fish so taken subject to the provisions of the laws of the state in which the same was taken and the laws and regulations of the United States relating thereto.

(7) No person shall import or transport into the State of Kentucky or receive shipment in the state from without the state, any type or species of live game, live wild animal, live wild bird or fish, live amphibian, protected or unprotected under this chapter, excepting minnows to be used for bait, without first procuring from the Department a written permit to do so.

(8) This section shall not in any way interfere with the transportation of any wild animals, wild birds or fish by the authorized officers of the Department of Fish and Wild Life Resources.

(9) Federal regulations shall govern the transportation of all migratory wild birds.

Sec. 28 Section 150.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner may, with the approval of the Commission, adopt the design of all licenses required by this chapter and make all regulations for their issuance. Licenses shall only be issued pursuant to a written application, on a form prescribed

by the Commissioner, subscribed and sworn to by the applicant and giving the following information: Sufficient general description of the applicant to identify him, his name, place of residence and house number. No person shall make a false statement or any false information in the application.

(2) Except as provided in sub-section (3) and (4) of this section, and in sub-section (3) of KRS 150.220, all licenses and tags provided for in this chapter shall be issued by the county clerk. The clerk shall sign the licenses and shall require the persons to whom the licenses are issued to sign their name on the margin. The clerk shall keep a correct and complete copy of all licenses issued in a book to be furnished by the Department, which records shall remain in his office and be open to inspection by the public during regular office hours. No County Clerk shall knowingly make a false entry upon a license or upon a license record or report required by this chapter.

(3) Ohio River fishing licenses and Ohio River commercial fishing licenses, and seine, hoop net and snag line tags for holders of Ohio River commercial fishing licenses shall be issued by the Department directly, or through such person, resident or non-resident, as may be designated by the Commissioner as agent for that purpose.

(4) Commercial guide's licenses, fur buyer's licenses (both resident and non-resident) and fur processor's licenses shall be issued directly by the Department. Any applicant for a commercial guide's license shall be required to present proof to the satisfaction of the Commissioner, in accordance with such regulations as the Commissioner may prescribe with the approval of the Commission, that he is qualified to act as a commercial guide. Any applicant for a fur processor's license shall be required to present proof to the satisfaction of the Commissioner, in accordance with such regulations as the Commissioner may prescribe with the approval of the Commission, that he has sufficient equipment and facilities to engage in the business of processing, manufacture and storage of raw furs.

Sec. 29 Section 150.200 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner shall cause to be delivered to each county clerk, not less than ten days before January 1st of each year, unless otherwise provided, as many licenses, tags and forms as may be required, and charge each clerk for the number issued to him. On or before January 25th of each year each county clerk shall return to the Department all unused licenses, stubs and unused tags which he has received for the preceding year. The licenses and tags shall specify the calendar year for which they are issued and all licenses, tags and permits authorized to be issued by this chapter, whether by the Department or by a county clerk, shall expire on December 31st of that calendar year, except fur buyers license which shall expire July 1st each year.

Sec. 30 Section 150.210 of the Kentucky Revised Statutes is amended to read as follows:

The blank licenses, metal tags and printed matter necessary to carry out the provisions of this chapter shall be prepared under the direction of the Commissioner, subject to the approval of the Director of Purchases and Public Properties and shall be paid for in the same manner as other public printing. All expense arising therefrom shall be charged to the Game and Fish Fund.

Sec. 31 Section 150.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as otherwise provided in KRS 150.175 and 150.176 any of the licenses authorized by this section may be issued either to a resident of this state or to a non-resident, but all licenses issued to non-residents shall bear the word "non-resident" in prominent letters, and fees shall be as respectively provided in this section.

(2) The fees for the licenses provided for in KRS 150.175 shall be as follows:

(a)	Fishing licenses	
	State-wide fishing license (resident) ---------$	2.00
	State-wide fishing license (non-resident) ----	5.00
(b)	Ten day fishing license	
	Non-resident only ----------	2.00

(c)	Commercial fishing license	
	Resident	5.00
	Non-resident	25.00
(d)	Ohio River fishing license (residents of Ohio, Indiana and Illinois only)	2.00
(e)	Ohio River Commercial fishing license	5.00
(f)	Seine tag for each one hundred feet of seine or part thereof	
	Resident	2.00
	Non-resident (holder of Ohio River commercial fishing license)	2.00
	Other non-residents	4.00
(g)	Hoop net tag	
	Resident	1.00
	Non-resident holder of Ohio River Commercial fishing license	1.00
	Other non-residents	2.00
(h)	Snag line tag	
	Resident	1.00
	Non-resident holder of Ohio River commercial fishing license	1.00
	Other non-residents	2.00
(i)	Live bait dealer's license (resident only)	5.00
(j)	Musseling license	
	Resident	10.00
	Non-resident	30.00
(k)	State-wide hunting license	
	Resident	3.00
	Non-resident	15.50
(l)	Junior state-wide hunting license (resident only)	1.00
(m)	Trapping license	
	Resident	3.00
	Non-resident	15.50

(n) Taxidermist's license (resident only) 3.00
(o) Commercial guide's license (resident only) 5.00
(p) Fur buyer's license
Resident 5.00
Non-resident 75.00
(q) Fur processor's license (resident only) 100.00

(3) The Department may issue a special license without fee to the Chief Executive of the United States or of any other state and to any official of another state, or of the federal government or of a federal agency, whose functions include matters related to the propagation, protection or preservation of game and fish. Such special license shall authorize the performance of any act authorized by a fishing license and a state-wide hunting license. Not more than fifty such licenses may be issued in any one year.

Sec. 32. Section 150.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county clerk or any agent designated by the Department under the provisions of sub-section (3) of KRS 150.190 shall retain as his fee, out of the money received by him for licenses and tags, the following fees:

(a) For each license or tag for which the fee is $1.00, a fee of 15c.

(b) For each license or tag for which the fee is not less than $2.00 nor more than $5.00, a fee of 25c.

(c) For each license for which the fee is over $5.00, a fee of 50c.

(2) The foregoing fees shall cover the swearing of the applicant to his application and of other services under this chapter. The county clerk shall pay the remainder of the license fees, after deducting therefrom his fee, to the State Treasurer on the first day of each month, which amount shall be credited to the Game and Fish Fund. The County Clerk shall report to the Commissioner on the first day of each month the number and kind of licenses and tags issued and the amount of money remitted to the State Treasurer.

Sec. 33 Section 150.235 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall perform any act authorized to be performed by any of the various licenses provided for in this chapter without first procuring the type of license which authorizes the performance of such act and unless at the time of the performance of such act he has the license provided therefor on his person, except that in the case of a fur processor it shall be sufficient if the license is posted in a conspicuous place upon the licensed premises.

(2) No license authorized by this chapter, except a fur processor's license, may be issued except to an individual, and not more than one such license of any particular type may be issued to any individual during a single calendar year. A fur processor's license may be issued to an individual, partnership, firm or corporation, and as many such licenses may be issued to any one individual, partnership, firm or corporation as may be required for the various premises upon which the licensed business is to be carried on. In the case of a fur processor's license, no employee or agent of the person, firm, partnership or corporation in whose name the license was issued shall exercise any privilege authorized by the license at any place other than the licensed premises, unless he has on his person an agent's license card issued by the Commissioner. For the purpose of securing such agent's cards, the holder of the license shall file with the Department an application form, stating the name and giving a general description of each agent or employee who will engage in the transactions authorized by the license. There shall be no fee for the issuance of such agent's cards. The Commissioner, with the approval of the Commission, shall have authority to restrict and limit the number of such cards that will be issued, and to prescribe the terms and conditions under which a card may be issued and used and may revoke any such cards whenever it appears to the Commissioner that the holder thereof is not complying in all respects with the purpose and intent of this chapter.

(3) Wherever in this chapter reference is made to the "holder" of a license, it means the person in whose name the license was issued. No person to whom a license has been issued under this chapter may authorize or permit any other person to carry his license.

Sec. 34 Section 150.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner, with the approval of the Commission, may contract with any landowner of the state, for a specified term of years, to set aside and maintain land as a game refuge. Any such contracts may be recorded in the county court clerk's office of the county in which the land is situated.

(2) The Commissioner with the approval of the Commission may issue permits for public or commercial shooting areas, and shall adopt regulations governing same.

Sec. 35 Section 150.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department, with the approval of the Commissioner of Finance and the consent of the Governor, may enter into any contract with the United States Government, or any department or agency thereof, or with any individual in regard to the preservation, protection and propagation of fish, game, birds or animals, which it may deem to the advantage of the state to enter into.

Sec. 36 Section 150.260 of the Kentucky Revised Statutes is amended to read as follows:

Kentucky assents to the provisions of an Act of Congress entitled "An act to provide that the United States shall aid the states in wild life restoration projects, and for other purposes", approved September 2, 1937. The Department of Fish and Wild Life Resources shall perform such acts as may be necessary to the establishment and conduct of cooperative wild life restoration projects in compliance with said Act and with rules and regulations promulgated thereunder by the Secretary of Agriculture. No funds accruing to the state from license fees paid by hunters shall be diverted to any purpose other than the administration of the Department of Fish and Wild Life Resources.

Sec. 37 Section 150.270 of the Kentucky Revised Statutes is amended to read as follows:

(1) Kentucky consents to the acquisition by the United States by purchase, gift, devise or lease of such areas in Kentucky

as the United States may deem necessary for the establishment of migratory bird reservations in accordance with the Migratory Bird Conservation Act, approved February 18, 1929 (45 Stat. 1222).

(2) Kentucky reserves complete jurisdiction and authority in and over all such areas not incompatible with the administration, maintenance, protection and control thereof by the United States under the terms of Acts of Congress. This section shall in no wise deprive the courts of Kentucky of jurisdiction to try and punish all violations of any of the criminal or penal statutes of Kentucky in such areas.

Sec. 38 Section 150.275 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner may issue to any qualified person a permit to take and transport wild animals, birds or fish at any time for scientific or educational purposes; such permits shall be valid at the discretion of the Commissioner and shall show upon their face the period of their validity. The fee for such permits shall be $1.00.

Sec. 39 Section 150.280 of the Kentucky Revised Statutes is amended to read as follows:

No person shall propagate fish, frogs, fur bearing animals and other game, nor harbor or maintain any protected game or fish in captivity for the purpose of making a pet of the same, or for any other purpose, without first procuring a permit to do so from the Department. The Commissioner shall make and publish regulations governing all such activity. The application for a breeder's permit, or for a permit to harbor and maintain protected game and fish as pets or for any other purpose, shall be in writing, addressed to the Commissioner, signed by the applicant, and shall describe the land or waters owned or leased by the breeder to be used for breeding purposes and shall contain such other facts as may be required by the Commissioner. When it appears that the application is made in good faith, the Commissioner may issue a permit, which shall continue in force for one year unless sooner revoked by the Commissioner for cause, upon payment of a fee of $2.00 and fees for tagging which

shall be fixed by the Commissioner. A fish and game club which enters into an agreement with the Department to operate such a farm, in cooperation with the Department, for the purpose of carrying out the Department's program may, with the approval of the Commissioner, be issued a permit without the payment of any fee. Any permit issued pursuant to this section may be revoked by the Commissioner at any time for a violation by the holder thereof of any of the laws of Kentucky or of any regulation of the Department.

Sec. 40 Section 150.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any breeder may sell and transport fish, frogs, fur bearing animals and other game, alive for propagation, and minnows for bait, and for food purposes during seasons prescribed by the Commissioner. Such fish, frogs, fur-bearing animals and other game shall be identified either by marking their container or by individual tagging, as the Commissioner may prescribe.

(2) No breeder shall sell game procured from other than a licensed propagation farm.

Sec. 41 Section 150.300 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall, without first securing the permission of the Commissioner, enter upon the premises of a propagation farm, game farm or game refuge or fish hatchery and take fish, birds, wild animals or game; or, without the consent of the property owner, enter upon any pond and take fish or amphibians or foul the waters of any pond or farm with a substance injurious to the life or growth of fish or amphibians, or break or destroy any dam, reservoir or embankment or divert the waters or otherwise wilfully damage the farm or pond. No person, except bona fide employees in line of duty, shall go upon the premises of any propagation farm, state game farm, or game refuge or fish hatchery accompanied by a dog of any type or description or while carrying firearms upon or about his person.

(2) It is unlawful for any person to mar, deface, destroy or in any wise damage, or attempt to mar, deface, destroy or

damage any sign or posted notice upon any game farm, game or wild life refuge or fish hatchery in the state.

Sec. 42 Section 150.305 of the Kentucky Revised Statutes is amended to read as follows:

(1) Subject to regulations adopted under this chapter and except as otherwise provided in this section, no person shall have in his possession any wild bird, wild animal or fish protected by this chapter, or any raw fur, except during the open season for the particular species, unless such person be the holder of a valid permit issued pursuant to the provisions of KRS 150.275 or 150.280.

(2) Any person who has legally taken any wild life may have the same in his possession in a frozen food locker, either in his home or in a commercial locker plant, for a period of ninety days after the close of the season for the particular species. The name of the taker, the date of taking, and the number and species of animal or bird must be marked on the package in which the same are stored. Legally imported game or fish may be held in such frozen food locker for a period of time to conform with the requirements of the pure food law, provided, however, that the date of storage with the number of the non-resident license under which such game or fish were taken be attached or stamped upon each package or carcass.

(3) Any person who has legally taken any wild animal, wild bird or fish in another state and who has legally transported or shipped the same to this state in accordance with the provisions of subsection (6) of KRS 150.180, may have the same in his possession, other than in a frozen food locker as above provided, in this state for a period of not more than ten days after the close of the open season in the state in which the same was taken.

(4) Federal regulations shall govern the possession of migratory wild birds.

(5) To facilitate the enforcement of subsection (2) and (3) of this section, the Commissioner, or such agents and employees of the Department as may be designated by him, shall have authority to inspect all commercial frozen food lockers

within the State of Kentucky at such periods and intervals as the Commissioner shall, in the exercise of a reasonable discretion, fix and determine. No search warrant or other legal process shall be required of any properly authorized person as a condition precedent to the making of the inspections herein authorized.

(6) Any person who has legally taken a fur-bearing animal, or the raw fur thereof, may have the same in his possession 15 days following the close of the season.

(7) A licensed fur buyer (resident or non-resident) may buy or have in his possession raw furs 20 days following the close of the season.

(8) A licensed fur processor may buy raw furs from a licensed fur buyer at any time during the period that a fur buyer is authorized by this section to sell raw furs, and the licensed fur processor is further authorized to hold raw furs in cold storage for the purpose of manufacture or processing, or to buy from or sell to another licensed processor, at any time in the year.

Sec. 43 Section 150.310 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any wild bird, whether protected or unprotected, except with bow and arrow or with a gun, which gun shall not be larger than a 10-gauge fired from the shoulder. No birds shall be taken with or by means of any automatic loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof in such manner as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined.

(2) No person shall hunt birds, whether protected or not, with lights or any other means which might be used to blind birds at night.

Sec. 44 Section 150.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any wild bird, (including exotic pheasants and partridges) except game birds for which there is an open season, either under the laws of Kentucky and the regulations of the Department or the laws of the United States, except those birds mentioned in sub-section (2) of this section.

(2) This chapter does not protect or in any way limit the taking of the Copper's Hawk, sharp-shinned hawk, the crow, the starling, the English sparrow or the great horned owl, but any person taking any of them with a gun must have a hunting license and said gun must be plugged to hold not more than three shells in the magazine and chamber combined as specified in KRS 150.310.

(3) No person shall take, disturb or destroy the nests or eggs of any wild birds.

Sec. 45 Section 150.330 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any wild birds except during the open season prescribed by the Department for the particular species. The open season for quail may be between November 1, and February 1st only, and shall not exceed a total of sixty days, consecutive or otherwise. The open season for ruffed grouse or native pheasant may be between November 1st and February 1st only, but shall not exceed a total of sixty days, consecutive or otherwise. There shall be no open season for wild turkey, exotic pheasants or chukar partridge until the Commissioner with the approval of the Commission finds the conditions and population warrant it. Then regulations shall be enacted to govern same. No person shall take quail, ruffed grouse or native pheasant except from sunrise to sunset.

(2) No person shall take, pursue, possess, transport, purchase or sell or attempt to do so, any migratory birds, except as authorized by the Migratory Bird Treaty Act (40 Stat. 755) and regulations under it.

(3) No person over 16 years of age shall hunt any wild ducks, geese or brant unless, at the time, in addition to the appropriate state hunting license, he has on his person a valid Migratory Bird Hunting Stamp of current issue as required by

the Migratory Bird Hunting Stamp Act (48 Stat. 451) as amended.

Sec. 46 Section 150.340 of the Kentucky Revised Statutes is amended to read as follows:

No person shall take more wild birds in any one day than the bag limit prescribed for the species, but the Department shall not prescribe bag limits in excess of the following:

Quail	10
Ruffed Grouse or Native Pheasant	2
Doves	Federal Regulations Apply
Ducks	Federal Regulations Apply
Geese	Federal Regulations Apply
Coots and Gallinule	Federal Regulations Apply
Woodcock	Federal Regulations Apply
Snipe	Federal Regulations Apply

No person shall have in his possession at any time any number of wild birds in excess of the bag limit as prescribed by the Department for the particular species, except that a person who has hunted two or more days in succession may have in his possession a total of not more than twice the bag limit for any one day for such birds, and a person may have in his possession, in cold storage locker as provided in KRS 150.305 a number not exceeding two days' bag limit after the first day of the hunting season; provided, however, that no person shall take more than ten ruffed grouse or native pheasant during any open season for the same.

Sec. 47 Section 150.355 of the Kentucky Revised Statutes is amended to read as follows:

No person shall use ferrets in hunting. No person shall keep a ferret as a pet or for any purpose, unless he has procured a ferret permit from the Commissioner. A permit must be obtained within ten days after the person acquires possession of a ferret and one permit shall entitle the holder to keep any number of ferrets. If the owner of any ferret uses it contrary to the provisions of this chapter, the Commissioner may revoke his permit and confiscate all of his ferrets. Each use of a ferret in hunting shall constitute a separate offense.

Sec. 48 Section 150.360 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any wild animals, whether protected by this chapter or not, except by trapping, gig, bow and arrow, gun, gun and dog, or dog.

(2) No shotgun used in the taking of wild animals, protected or unprotected, shall be larger than a 10 gauge and fired from the shoulder. No wild animals, protected or unprotected, shall be taken with or by means of any automatic-loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof, in such manner as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined.

(3) No person shall hunt wild life (except opossum, and raccoon, and frogs) with lights or other means designed to blind wild life at night.

(4) No person shall take frogs with a gig other than one of the following sizes and dimensions: The gig shall have not more than four prongs; no prong shall be longer than two and one-half inches; the prongs shall be made out of not heavier than 14-gauge wire or metal, and shall not have more than one barb on each prong.

Sec. 49 Section 150.365 of the Kentucky Revised Statutes is amended to read as follows:

No person shall use fire, or any type of explosive, smoke or any noxious gas or substance to molest or destroy the den or hole of any animal, nor shall any person burn a field for the purpose of driving game.

Sec. 50 Section 150.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any wild animal protected by this chapter except during the open season for the particular species as prescribed by the Department. The open season for rabbits may be between November 1st and February 1st only, but

not exceed a total of sixty days, consecutive or otherwise. The open season for mink, opossum, raccoon, skunk, muskrat and red fox may be between November 1st and February 15th only, but shall not exceed a total of sixty days, consecutive or otherwise, except that the Department may allow an additional thirty days in which opossum and raccoon may be hunted and taken by dog only. The open season for squirrel may be between August 1st and January 1st only, but shall not exceed a total of ninety days, consecutive or otherwise. The open season for pond, bull or jumbo frogs shall be such period as the Department may prescribe. There shall be no open season for otter or beaver.

(2) Sub-section (1) shall not apply to persons who hunt red fox at night with dogs for sport and not to kill; but this exception in favor of sportsmen shall not extend to anyone engaged in the business of a fur dealer or a trapper or a professional hunter.

(3) The possession of any wild animals, fur bearers, or the raw fur thereof, when the season is not open for the particular species shall be prima facie evidence that the animal was taken out of open season, but this presumption shall not apply to possession of any such animal or fur by a trapper during the open season as prescribed by the Department and fifteen days thereafter, or by a fur buyer during the open season and twenty days thereafter.

Sec. 51 Section 150.380 of the Kentucky Revised Statutes is amended to read as follows:

No person shall take more squirrels, rabbits or pond, bull or jumbo frogs in any one day than the bag limit prescribed by the Department, but the Department shall not prescribe a bag limit in excess of the following:

Squirrel	6
Rabbits	8
Pond, bull or jumbo frogs	15

No person shall have in his possession at any time more than the number prescribed by the Department except as follows:

(1) A person who has hunted two or more days in succession may have in his possession a total of not more than twice the number allowed by the Department to be taken in any one day.

(2) A person may have in his possession in a cold storage locker, as provided in KRS 150.305, a number not exceeding two days bag limit after the first day of the hunting season.

Sec. 52 Section 150.390 of the Kentucky Revised Statutes is amended to read as follows:

No person shall take, pursue, or attempt to take or pursue or otherwise molest any elk, deer, wild turkey or bear unless the Commissioner, with the approval of the Commission, finds conditions and population that warrant an open season, then regulations shall be enacted to govern same.

Sec. 53 Section 150.399 of the Kentucky Revised Statutes is amended to read as follows:

Any trap, set, used or maintained in violation of the provisions of KRS 150.400 or 150.410 shall be subject to confiscation as contraband under the provisions of KRS 150.120, except that any trap, set, used or maintained without the tag required by sub-section (2) of KRS 150.410 is hereby declared contraband and shall be so treated without any order of court so declaring.

Sec. 54 Section 150.400 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall set, use or maintain, for the purpose of taking wild animals, any steel trap unless the size and type of the trap has been approved, in writing by the Commissioner of the Department of Fish and Wild Life Resources. The Commissioner shall not approve any steel trap:

(a) That has a jaw spread of more than 5¾ inches, or the jaws of which have sharp or jagged edges; or

(b) That has more than one spring for the purpose of expected, under ordinary circumstances, to exert a pressure closing the jaws or that has a spring which would normally be

sufficient instantly to cut through or break the leg of any wild animal protected by this chapter; or

(c) The design of which is such that animals may escape easily therefrom with permanent or fatal injury; or

(d) That does not have a swivel as an integral part of the trap or the retaining chain.

(2) The Commissioner shall approve any commercially manufactured trap which is designed to take animals alive and unhurt or to kill instantly.

(3) Subject to the provisions of KRS 150.410 it shall be lawful to use snares, deadfalls, wirecage or box traps, but no person shall set, use or maintain a snare large enough to take deer, elk or bear.

(4) Manufacturers of and dealers in or persons proposing to use steel traps may submit sample traps and specifications thereof to the Commissioner for approval. From time to time the Commissioner shall file with the Secretary of State a list of traps approved by him, stating the name of the manufacturer, the size, number and other information sufficient to identify the trap, and shall furnish copies of such list to each county court clerk and to any other person requesting copies thereof. At least ninety days prior to the beginning of each open season for trapping fur-bearing animals, the Commissioner annually shall cause to be published once in at least two daily newspapers of general circulation in this state a list of all traps which have been approved by him.

(5) If the Commissioner finds that a trap, a sample or the specifications of which are submitted to him, does not meet the requirements of this section and any valid regulation adopted hereunder, he shall notify, in writing, the person submitting the same of such fact and state his reason therefor. Within thirty days from the date of the Commissioner's ruling, the person seeking his approval may appeal therefrom to the Commission, which shall hold a public hearing thereon. If the Commission sustains the Commissioner, the applicant, within thirty days from the date of the order of the Commission, may appeal to the Franklin Circuit Court by filing a copy of the order of the Com-

mission, together with a copy of the record made before the Commission. The procedure in such appeals shall be governed by the provisions of sections 639a-1, Et. Seq. of the Civil Code of Practice.

Sec. 55 Section 150.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall set a trap on the land of another without written permission of the owner of the land, and he shall exhibit such written consent to any agent or employee of the Department or to any other person lawfully demanding to examine the same.

(2) No person shall set, use or maintain a trap for the purpose of taking wild animals unless there is attached thereto a metal tag giving the name and address of the person setting, using or maintaining trap. The Commission is authorized to furnish such tag, at cost, to applicants therefor.

(3) Each person who sets, uses or maintains a trap or traps for the purpose of taking wild animals shall, within twenty-four hours from the time such traps are set, given a written description of the location of the trap line, or any changes made therein to the Conservation Officer for the county in which the traps are located or to the Commissioner. The owner of the land on which traps are set and resident members of his family shall not be required to comply with the provisions of this subsection.

(4) Each person who sets a trap for the purpose of taking wild animals shall visit the same at least once every twenty-four hours and release any animal found therein.

(5) No person shall set a trap in such manner as unreasonably to endanger the life or safety of any domestic animal.

Sec. 56 Section 150.411 of the Kentucky Revised Statutes is amended to read as follows:

Every licensed taxidermist shall keep a suitable record in which shall be entered the species of each animal mounted by him and the name and address of the person for whom the mounting was done. Within ten days after the end of each

month, he shall send to the Department a report showing the number and name of the animals of each species mounted by him during the preceding month and the name and address of the person for whom each animal was mounted. No animal or bird shall be mounted except during the open season for the particular species, unless a permit be issued therefor by the Commissioner, which permit shall be issued without cost.

Sec. 57 Section 150.412 of the Kentucky Revised Statutes is amended to read as follows:

No commercial guide shall participate in the taking of game or fish protected by this chapter beyond the bag limit or creel limit of the person or persons he is guiding.

Sec. 58 Section 150.415 of the Kentucky Revised Statutes is amended to read as follows:

Every licensed fur buyer shall, upon purchasing any raw fur, issue a receipt to the trapper or hunter from whom he has purchased such furs, setting forth the number and kind of furs, the date of the purchase, the price paid for each fur and the license number of the trapper's or hunter's license. The buyer shall make out a duplicate receipt at the same time and obtain the signature and address on such duplicate of the trapper or hunter from whom the furs were purchased. Not later than March 15 of each year every licensed fur buyer shall submit to the Department of Fish and Wild Life Resources a complete report of all furs purchased during the previous buying season. The report shall contain the total number and value of each type of fur purchased. Failure on the part of any buyer to comply with the provisions of this section shall bar the licensee from obtaining a license for the following year.

Sec. 59 Section 150.416 of the Kentucky Revised Statutes is amended to read as follows:

Every licensed fur processor shall, within fifteen days after January 1st and July 1st of each year file with the Department an inventory of furs in his possession as of such dates. Every licensed fur processor shall also issue receipts for the total number of furs purchased from fur buyers, each of which shall show the license number of the fur buyer from whom purchased.

Duplicates of such receipts shall be sent to the Department with the inventory report.

Sec. 60 Section 150.417 of the Kentucky Revised Statutes is amended to read as follows:

In any prosecution of a nonresident for buying raw fur or furs without a fur buyer's license, proof that such person was in the company of a resident fur buyer at the time the latter purchased a raw fur shall constitute a prima facie evidence that such nonresident was engaged in the business of buying raw furs without a license.

Sec. 61 Section 150.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) The open season for taking rough fish by gigging, grabbling, tickling, noodling shall be prescribed by the Department, by regulation.

(2) Creel limits for rough fish taken by gigging, grabbling, tickling, noodling shall be set by the Department, by regulation.

Sec. 62 Section 150.445 of the Kentucky Revised Statutes is amended to read as follows:

No person shall, within seven hundred yards of the Kentucky Dam on the Tennessee River at Gilbertsville, unless a shorter distance is prescribed by regulation of the Department, nor within two hundred yards of any lock and dam on a navigable stream, take fish other than by pole and line in hand. No person shall place or use any trotline, hand line, set line, throw line or snag line or gig closer to any such lock or dam than the limits hereinabove prescribed.

Sec. 63 Section 150.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) Minnows and crawfish to be used for bait for angling may be taken from the public waters of this state with a twine minnow seine not more than ten feet in length and four feet in width or height, with mesh not larger than one fourth inch, or with a minnow trap not more than three feet in length and eighteen inches in diameter, with an opening not larger than one inch. Any fish caught which are excluded from the definition

of minnows in KRS 150.010 shall be immediately returned, without injury, to the waters from which they are taken.

(2) Any person may take by the use of licensed (twine only) seines, the mesh of which is not less than two inches square or by the use of licensed hoop net (twine only) without wings, (or with wings, neither wing of which shall be longer than twenty feet, in the Mississippi River, Ohio River or any of the overflow lakes of Ballard, Carlisle, Hickman or Fulton Counties), any fish from the navigable streams or waters of this state; provided, however, that no wing nets shall be placed less than one hundred yards from the mouth of any tributary or inlet of the waters hereinabove specified. No person shall take any fish by seines or nets or place any seine or net in any of the above mentioned streams or waters within two hundred yards of the mouth of any navigable stream within the state, nor nearer than seven hundred yards below Kentucky Dam on the Tennessee River at Gilbertsville, unless the Department prescribes lesser limits with respect to such dam, nor within two hundred yards of any lock or dam on a navigable stream, nor above the last lock or dam in any navigable stream. The provisions of this sub-section shall apply to "rough fish" only. Any fish protected by this chapter which may be caught in seines or nets shall immediately be returned, without injury, to the waters from which taken.

(3) No person shall operate or have in possession any seines or nets unless he has procured a commercial fishing license or an Ohio River commercial fishing license and a metal tag for the use or possession of each net or seine, and has complied with the provisions of this chapter. The metal tags shall be affixed to and displayed on the seines or nets at all times. This section shall not be construed to require wholesale dealers or manufacturers to obtain licenses and tags for seines and nets in their possession for the purpose of sale outside of the state, or retail dealers selling legal seines or legal nets.

Sec. 64 Section 150.460 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person, firm or corporation, whether acting in a private or public capacity, shall place or cause to be placed in any public waters any substance that might injure, interfere with

or cause the waters to be unfit for the support of aquatic life. When any employee of a person, firm or corporation, in the course of his employment, places or causes to be placed any such substance in any public waters, his act shall be prima facie evidence of the guilt of both the employee and employer, and either one or both may be punished as provided in paragraph (a) of sub-section (4) of KRS 150.990. Each day that this section is violated shall constitute a separate offense. This section does not apply to employees of the Department of Fish and Wild Life Resources acting in official capacity.

(2) No person shall willfully and knowingly kill, injure, shoot, shock or stun or attempt to kill, injure, shoot, shock or stun any fish through the means of any explosive agent or similar substance.

(3) No person shall willfully place or attempt to place in any of the public waters of the state any substance which has a poisonous effect or intoxicating effect upon aquatic life.

(4) Conservation Officers and other persons appointed by the Commissioner and all peace officers have the authority to enforce KRS 220.580 to 220.990, known as the Water Pollution Control law.

Sec. 65 Section 150.470 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take or have in his or her possession in any one day more fish than the creel limit prescribed in the regulation. The regulation shall also provide the possession limit.

(2) No person shall take or have in his or her possession any fish smaller than the size limit prescribed in the regulation.

Sec. 66 Section 150.485 of the Kentucky Revised Statutes is amended to read as follows:

No person shall sell live bait to be used in angling unless he has obtained from the Commissioner a live bait dealer's license. No live bait dealer shall export any minnows or crawfish from this state or sell them to any nonresident to take the same out of the state.

Sec. 67 Section 150.500 of the Kentucky Revised Statutes is amended to read as follows:

A musseling license shall entitle the holder to operate on any shell bed.

Sec. 68 Section 150.510 of the Kentucky Revised Statutes is amended to read as follows:

On or before December 31st of the year in which any musseling license is issued the holder shall make a written report to the Department of Fish and Wild Life Resources, stating the total weight of mussel shells taken under the license, the names and locations of the waters from which the mussels were taken and the amount received for shells sold. Upon failure of any licensee to make such a report, the Commissioner shall not issue another license until such report is made.

Sec. 69 Section 150.520 of the Kentucky Revised Statutes is amended to read as follows:

The Department shall make such requirements and regulations governing the operations of boats in the taking of mussels as it may deem best for the proper enforcement of this chapter. To prevent depletion of the mussel beds and to insure proper propagation of the mussels, the Department may close any beds to operators at any time and for such length of time as it deems necessary. During such closed season on any bed no one shall take mussels therefrom. When an order is issued closing any mussel bed, due notice of the same shall be published in at least three consecutive issues of a newspaper of general circulation in the county where the bed is located.

Sec. 70 Section 150.525 of the Kentucky Revised Statutes is amended to read as follows:

No person shall engage in the buying of mussel shells or mussels in the shell in this state unless he has in his possession a license authorizing him to do so. The annual fee for such license shall be $100.00 for a resident of this state, and $300.00 for a nonresident of this state. Such license shall be issued by the Department, either directly or through such county court clerks as the Commissioner may designate for the purpose.

Sec. 71 Section 150.590 of the Kentucky Revised Statutes is amended to read as follows:

No person shall have in his possession in this state, or bring

into this state, any gill nets, trammel nets, illegal seines or any steel traps not authorized by the Commissioner; except that a bona fide wholesaler or manufacturer may have any such device in his possession for sale to nonresidents outside of this state.

Sec. 72 Section 150.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each bird, fish or animal taken, possessed, bought, sold or transported and each device used or possessed contrary to the provisions of this chapter or any regulation adopted by the Commission thereunder shall constitute a separate offense. The penalties prescribed in this section shall be for each offense.

(2) Any person who violates any of the provisions of this chapter or any regulations adopted by the Commission hereunder, for which no definite fine or imprisonment is fixed by this section, shall be fined not less than $15.00 nor more than $100.00.

(3) Any person who violates any of the provisions of subsection (3) of the KRS 150.090 sub-section (2) of KRS 150.180, KRS 150.300, 150.330 or 150.485 shall be fined not less than $25.00 nor more than $200.00 or imprisoned for not more than six months, or both.

(4) (a) Any person who violates any of the provisions of sub-section (1) of KRS 150.460 shall be fined not less than $100.00 nor more than $1,000.00, or imprisoned for not more than six months, or both.

(b) Any person who violates sub-section (2) or sub-section (3) of KRS 150.460 shall be guilty of a felony and upon conviction shall be confined in the penitentiary for not less than one year nor more than three years and shall be fined not more than $500.00.

(5) Any licensee who violates any provisions of this chapter or any regulation adopted by the Commission thereunder shall, in addition to the penalties provided in sub-sections (2), (3) and (4) of this section, forfeit his license.

(6) Any county court clerk who knowingly makes a false entry upon a license record or report, in violation of sub-section

(2) of KRS 150.190 shall be fined not less than $100.00 nor more than $500.00.

(7) Any person who violates the provisions of sub-section (2) of KRS 150.185 shall be fined not less than $15.00, nor more than $100.00.

(8) Any person who violates any provisions of KRS 150.390 shall be fined not less than $100.00, nor more than $1,000.00.

(9) Any person who violates KRS 150.525 shall be fined not less than $25.00, nor more than $200.00 or imprisoned for not more than six months, or both.

(10) Any persons who violate any regulation which has been or may be hereafter adopted by the Commission under any provisions of this chapter or which is adopted to supplement, explain, carry out or limit any provision of this chapter, shall be subject to the same penalty as is provided for the violation of this chapter under which the regulation is adopted or which the regulation supplements, explains, carries out or limits.

Sec. 73 A new section of the Kentucky Revised Statutes is created to read as follows:

All property of whatsoever description and all moneys belonging to or held by another for the use and benefit of the Kentucky Division of Game and Fish shall, upon the effective date of this Act, become the exclusive property of the Department of Fish and Wild Life Resources. All officers, clerks, employees and other personnel employed by the Division of Game and Fish shall, upon the effective date of this Act, continue to hold and occupy the same status with regard to employment in the Department of Fish and Wild Life Resources; and all persons having previously taken and achieved a passing grade on civil service examinations for positions within the Division of Game and Fish, and who have thus obtained a place upon the Civil Service eligible list of said Division, shall continue after the effective date of this Act to hold their respective positions upon the civil service eligible list of the Department of Fish and Wild Life Resources.

Sec. 74 Sections 150.265, 150.398 and 150.480 of the Kentucky Revised Statutes are repealed.

Mr. Jonas and Duncan of the Committee to which said bill had been referred, offered the following amendments, viz:

Mr. Paul S. Jonas of the Committee to which said bill had been referred offered the following amendment, viz:

Amendment No. 1: Amend printed copy of H. B. 284, on page 30, by inserting at the end of line 63 the following sentence: "If it is determined upon inspection that such game, wild animals, wild birds, fish or amphibians would not constitute a menace to the state and are free from disease that might spread throughout the state to the detriment of wild life resources, the director shall issue such a permit free of charge."

Said motion was agreed to.

Said amendment was adopted.

Mr. Thomas R. Duncan of the Committee to which said bill had been referred offered the following amendment, viz:

Amendment No. 2: Amend printed copy of H. B. 284, on page 10, section 7, line 33 through 38, by striking lines 33 through 38 in their entirety and substituting in lieu thereof the following: "(3) All regulations adopted under this section shall be subject to the provisions of KRS Chapter 13. When any regulation which applies to the entire"

Said motion was agreed to.

Said amendment was adopted.

Mr. Thomas R. Duncan of the Committee to which said bill had been referred offered the following amendment, viz:

Amendment No. 3: Amend printed copy of H. B. 284, on page 12, section 7, line 69 through 72, by striking lines 69 through 71 in their entirety and in line 72 by substituting "(5)" for "(6)"

Said motion was agreed to.

Said amendment was adopted.

Mr. Thomas R. Duncan of the Committee to which said bill had been referred offered the following amendment, viz:

Amendment No. 4: Amend printed copy of H. B. 284, on

page 41, section 42, line 8; after the word holder and before the letter a, strike the word "or" and insert in lieu thereof the word "of"

Said motion was agreed to.

Said amendment was adopted.

Mr. Thomas R. Duncan of the Committee to which said bill had been referred offered the following amendment, viz:

Amendment No. 5: Amend printed copy of H. B. 284, on page 43, section 44, line 9: After the word the and before the word Hawk strike the word "Copper's" and insert in lieu thereof the word "Cooper's".

Said motion was agreed to.

Said amendment was adopted.

Mr. Thomas R. Duncan of the Committee to which said bill had been referred offered the following amendment, viz:

Amendment No. 6: Amend printed copy of H. B. 284, on page 47, section 50, line 7: After the word but and before the word not insert the word "shall".

Said motion was agreed to.

Said amendment was adopted.

Mr. Thomas R. Duncan of the Committee to which said bill had been referred offered the following amendment, viz:

Amendment No. 7: Amend printed copy of H. B. 284, on page 48, section 51, line 4: After the word day and before the word the strike the word "that" and insert in lieu thereof the word "than".

Said motion was agreed to.

Said amendment was adopted.

Mr. Thomas R. Duncan of the Committee to which said bill had been referred offered the following amendment, viz:

Amendment No. 8: Amend printed copy of H. B. 284, on page 52, section 55, line 14: After the word set and before the

letter a strike the word "given" and insert in lieu thereof the word "give"

Said motion was agreed to.

Said amendment was adopted.

Mr. Thomas R. Duncan of the Committee to which said bill had been referred offered the following amendment, viz:

Amendment No. 9: Amend printed copy of H. B. 284, on page 55, section 63, line 21: After the word here in line 20 and before the word specified in line 21 strike the word "inafter" and insert in lieu thereof the word "inabove".

Said motion was agreed to.

Said amendment was adopted.

Mr. Thomas R. Duncan of the Committee to which said bill had been referred offered the following amendment, viz:

Amendment No. 10: Amend printed copy of H. B. 284, on page 59, section 72, line 12: After the word who and before the word any strike the word "violated" and insert in lieu thereof the word "violates".

Said motion was agreed to.

Said amendment was adopted.

Mr. Thomas R. Duncan of the Committee to which said bill had been referred offered the following amendment, viz:

Amendment No. 11: Amend printed copy of H. B. 284, on page 61, section 72, line 46: by adding at the end of line 46 after the word of the words "any provisions of".

Said motion was agreed to.

Said amendment was adopted.

Mr. Duncan moved the previous question.

Two members, Mr. Duncan and Lowman requested a roll call.

Said roll call is as follows, viz:

Those who voted in the affirmative were—

Henry Arrowood	William K. Henry	Thomas J. Murphy
J. Everett Bach	Thomas D. Hewlett	Ewin C. Neville
Sidney Baer	E. R. Hilton	Bart N. Peak
John Rhea Banton	Chester J. Holsclaw	Louis T. Peniston
Clarence J. Barnum	William M. Horn	Tipton Reed
J. C. Bradley	Paul S. Jonas	Joe Rouse
Ed T. Breathitt	William L. Jones	Carl J. Ruh
Edw. O. Bridgers	Jennings Kearby	Amos Runyon
Alex H. Calvert	Jesse H. Lawrence	Cecil Sanders
R. Josh Cosby	Paul M. Lewis	Clem Schroader
C. E. Dowell	Mrs. J. T. Linton	Gus F. Sheehan, Jr.
Thomas R. Duncan	Harry K. Lowman	Mrs. Thelma Stovall
Harold Edwards	William Maglinger	Wm. F. Threlkeld
William Engle	Shelby McCallum	Eulick (Mike) Walsh
Herbert Fern	G. Lee McClain	Wm. T. Wathen
Wm. P. Friedlander	Russell L. Meadows	W. W. Webster
Henry J. Giles	Tom Mobley	Hicks Wells
Henry C. Hale	Robert H. Moore	William B. Wells
Eugene B. Hancock	Fred H. Morgan	Walker H. Wiseman
George F. Harris	Earl F. Murphy	—59

Those who voted in the negative were—

Dr. John Adkins, Jr.	Marvin A. Cornett	Leslie Gay
Owen Billington	R. L. Dunigan	Charles M. Greene
Thomas L. Britton	Jack Early	Earl Rogers
Walter J. Chyle, Jr.	Roscoe Estep	E. H. (Ted) Stumbo
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Whereupon the Speaker announced "Shall the Main Question be now put?"

Ordered that said bill be engrossed and read at length for the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, and same having been engrossed, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz::

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	William K. Henry	Ewin C. Neville
J. Everett Bach	Thomas D. Hewlett	Bart N. Peak
Sidney Baer	E. R. Hilton	Louis T. Peniston
Clarence J. Barnum	Chester J. Holsclaw	Joe Rouse
R. O. Blevins	William M. Horn	Carl J. Ruh
Ed T. Breathitt	Paul S. Jonas	Amos Runyon
Edw. O. Bridgers	William L. Jones	Cecil Sanders
Alex H. Calvert	Jennings Kearby	Gus F. Sheehan, Jr.
Lewis W. Combest	Paul M. Lewis	Dr. B. F. Shields
R. Josh Cosby	Harry K. Lowman	Mrs. Thelma Stovall
C. E. Dowell	G. Lee McClain	Wm. F. Threlkeld
James A. Dressman, Jr.	Russell L. Meadows	Marion Vance
Thomas R. Duncan	Tom Mobley	Eulick (Mike) Walsh
William Engle	Robert H. Moore	Wm. T. Wathen
Herbert Fern	Walter R. Moorman	W. W. Webster
Wm. P. Friedlander	Fred H. Morgan	Morris Weintraub
Henry C. Hale	Fred H. Morgan	W. A. (Pete) Wickliffe
Eugene B. Hancock	Thomas J. Murphy	Walker H. Wiseman

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Those who voted in the negative were—

Thomas L. Britton	Charles M. Greene	Earl Rogers
Walter J. Chyle, Jr.	George F. Harris	John A. Sloan
Marvin A. Cornett	Farmer Helton	E. H. (Ted) Stumbo
Jack Early	Shelby McCallum	L. M. Weathers
Roscoe Estep	Hobart Rayburn	Hicks Wells
Leslie Gay	J. F. Robinson	Garrett L. Withers

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

REPORT OF THE ENROLLMENT COMMITTEE

Mr. Henry on the Committee on Enrollment to which the same had been referred, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz:

H. B. 1. AN ACT relating to the issuance of duplicate game, hunting and fishing licenses and tags, where such original license or tag is lost or destroyed; providing fees for such duplicates.

H. B. 52. AN ACT relating to the County and Circuit Court record books.

H. B. 79. AN ACT authorizing second class cities to contribute to the support of dependent children.

H. B. 146. AN ACT relating to appointment of members of the board of trustees of the University of Kentucky.

H. B. 198. AN ACT, amending KRS 45.280, relating to Petty Cash Funds of State Budget Units.

H. B. 224. AN ACT relating to child labor.

H. B. 230. AN ACT relating to the use of certain funds for the acquisition of space for the Division of Unemployment Insurance and the Department of Economic Security; amending KRS 341.245.

H. B. 231. AN ACT relating to the selection and adoption of textbooks for use in public schools.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House affixed his signature.

Ordered that the Enrolling Clerk of this House deliver said bills to the Senate.

After a time the Enrolling Clerk aforesaid, delivered the original and enrolled copies of said bills duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Lowman moved that the House do now recess for forty-five minutes.

Said motion was agreed to.

And then the House recessed.

Forty-five minutes having expired, the Speaker resumed the Chair and called the House to order.

REPORT OF THE ENROLLMENT COMMITTEE

Mr. Henry on the Committee on Enrollment to which the same had been referred, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz:

S. B. 103. AN ACT concerning enforceability of contracts of infants executed to obtain benefits of federal law relating to making loans to war veterans.

S. B. 82. AN ACT relating to liquified petroleum gas.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the Enrolling Clerk return said bills to the Senate.

Mr. Lowman moved that H. B. 256 be taken from the Orders of the Day and placed upon its passage, said bill by its title only is as follows, viz:

H. B. 256. AN ACT relating to Grade Crossings in counties containing a city of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The provisions of this Act shall apply only in counties containing a city of the first class.

Sec. 2(a). Whenever the fiscal court considers it reasonably necessary for the public safety, it may in the manner hereinafter provided, order any railroad company, either steam or electric, owning or operating a railroad in its county, to eliminate any existing grade crossing or change any existing grade crossing or change any existing overhead or underpass structure where any county road crosses the railroad tracks of such company.

(b). The fiscal court shall give at least ten days' notice by registered mail to the railroad company of a hearing to be held at a time and place stated in the notice, at which hearing it shall consider whether or not the proposed grade separation or change is reasonably necessary and the most advantageous method of effecting the grade separation or change. In determining whether the proposed grade separation or change is reasonably necessary, the fiscal court shall receive evidence of, and shall consider, all relevant facts, including the present and prospective density of highway traffic and the present and prospective frequency and speed of train movements over the crossing, the adequacy of existing or proposed signals or warning devices for the protection of highway traffic at the grade crossings, the possibility and probability of personal injury to the public using the highway and to employees and passengers of the railroad company and damage to property, and the cost of the grade separation or change in relation to benefits resulting from the proposed construction. If the fiscal court finds that the grade separation or change is reasonably necessary, it shall make an order to that effect and furnish a copy thereof by registered mail to the railroad company. The order shall specify a general plan for the new or changed grade separation. The order shall direct the railroad company to prepare plans, specifications and estimates of cost for the grade separation or change in accordance with the general plan prescribed by the order, or may provide that the plans, specifications and estimates of cost shall be prepared by the county if the grade separation structure shall pass over the railroad tracks. The plans, specifications and estimates of cost may, if requested by any public utility, provide facilities for such public utility.

(c). Within ninety days after the entry of an order directing a grade separation or change, and the preparation of plans, specifications and estimates of cost by the railroad company, the railroad company shall present to the fiscal court plans, specifications and estimates of cost for the grade separation or change, including the necessary approaches thereto.

(d). After receipt of the plans, specifications and estimates of cost from the railroad company the fiscal court shall give at least ten days' notice by registered mail to the railroad company of a time and place for final hearing with respect to the grade separation or change. If the fiscal court elects to prepare plans, specifications and estimates of cost, it shall furnish copies thereof to the railroad company prior to or at the time it gives notice of a final hearing. At the final hearing the fiscal court shall consider whether or not the plans make reasonably adequate provision for present and future safety and convenience of highway traffic and present and future safety and efficiency of operation of trains of the railroad company, its employees and passengers, and for the development of highway and railroad facilities, and shall approve or modify the plans and specifications. It shall then consider and determine the method of doing the work, whether by the railroad company or by the county, or partly by one and partly by the other, and whether by contract or by the employees of the county or the railroad company, or both, or by any combination of these methods, and if by contract, the method and manner of advertising for bids, the time and place of opening the bids, the time when work shall be begun and completed, and all similar matters of an administrative nature. The fiscal court shall embody its conclusions in a final order, a copy of which shall be sent by registered mail to the railroad company.

(e). The fiscal court may reject or order the rejection of all bids submitted for the work, or any part thereof, and require a readvertisement for bids. The fiscal court may reject all bids and elect to do the work itself or partly by itself and by the railroad company, or by contractors, or by a comination of these methods. If the work includes a structure to support the railroad tracks, the railroad company shall have the right to supervise the construction of that part of the work. If the

fiscal court elects to do the work itself there shall not be charged to the railroad company any sum in excess of that it would have been required to pay had the contract been let to the lowest bidder.

In all cases where the work is let by the railroad company on contract, the work shall be done under the general supervision of the County Road Engineer.

(f). The cost of all work incident to or occasioned by the elimination of the grade crossing and the construction of a substituted crossing, or the reconstruction of an existing overhead or underpass structure, including, without limitation of the generality of the foregoing, the cost of preparing plans and specifications, the cost of acquisition of necessary property and property damage, if any, the construction of approaches, drainage structures, and streets and pavements, shall be paid in the proportion of 15 per cent by the railroad company and 85 per cent by the county; provided, however, that the cost of any facilities provided at the request and for the benefit of any public utility shall not be considered to be apart of the cost of the work for the purpose of this Section 2, but shall be paid by such public utility in such manner and at such time as the fiscal court shall, by order, direct, or as may be agreed by contract between the fiscal court and such public utility.

As the work progresses the fiscal court shall furnish to the railroad company, and the railroad company shall furnish to the fiscal court, a monthly statement showing in detail all amounts expended in connection with the work. On or about the fifteenth of each month, the County Road Engineer shall prepare a statement showing the total amount expended to the close of the preceding month, the amount paid or expended by each party up to that time, and the amount due from the county to the railroad company or from the railroad company to the county. Upon receipt of the statement each party shall pay to the other the amounts shown to be due thereby.

All payments made on such monthly statements shall be considered only payments on account, and upon final completion of the work the County Road Engineer shall prepare and furnish to the railroad company a statement showing the total cost of

the work, the amount paid or expended by the county or the railroad company, and the amount due from one to the other. Each party shall be afforded reasonable opportunities to verify the statements of expenditures by the other, and the balance due as certified by the County Road Engineer in his final statement shall be paid by one party to the other promptly upon receipt of such final statement.

(g). The fiscal court and any railroad company may agree by contract as to the method of eliminating any grade crossing or changing any existing overhead or underpass structure. In event of such agreement all notices, hearings and proceedings shall be deemed to have been waived, and the work of eliminating the grade crossing or making the change shall be performed in accordance with the terms of the contract, with the same effect as though the work were being performed pursuant to a final order of the fiscal court.

Sec. 3(a). After the effective date of this Act, if the fiscal court proposes to construct a new county road across an existing railroad, or a railroad company proposes to construct a new railroad across an existing county road, the party proposing such construction shall provide the other party with plans and specifications for its proposed construction, showing the location thereof, and, if the proposed crossing is to be separated, a general plan for such separation. The fiscal court shall give at least ten days' notice of a hearing to be held at a time and place stated in the notice, at which hearing it shall consider whether the proposed crossing shall be approved and whether a grade separation is reasonably necessary for the present and future safety and convenience of highway traffic and present and future efficient operation of the railroad company's facilities and the safety of its employees and passengers, and in accordance with the standards prescribed for grade separations in Section 2 hereof.

If the fiscal court shall find that a grade separation is reasonably necessary at such proposed crossing, it shall approve, or provide for the submission and subsequent approval of, plans and specifications for the grade separation. The determinations of the fiscal court shall be by order, and its final

determination shall be by final order, which shall fix the method of doing the work in the manner provided in Section 2(d) hereof, and which shall be served on the railroad company by registered mail. If the fiscal court orders a grade separation at such proposed crossing, the entire cost of such separation shall be borne by the party proposing the crossing.

(b). If a grade crossing has been created by the construction of any railroad or county road between December 31, 1951, and the effective date of this Act, and the fiscal court desires to consider a separation thereof it shall, within a reasonable time, proceed by a hearing as provided in subsection (a) of this section.

If the fiscal court shall find that a grade separation is reasonably necessary at such crossing, it shall approve, or provide for the submission and subsequent approval of, plans, specifications and estimates of cost for the grade separation, and shall determine whether the entire cost of the crossing should equitably be imposed on the party creating such crossing, or whether and in what proportion such cost shall be apportioned between the county and the railroad company on an equitable basis, after consideration of all relevant facts, and the relative responsibilities of, and benefits accruing to, each party from such separation of grades, including consideration of adequate provision for future development of highway or railroad facilities. The determinations of the fiscal court shall be by order, and its final determination shall be by final order, which shall fix the method of doing the work in the manner provided in Section 2(d) hereof, and which shall be served on the railroad company by registered mail.

(c). The fiscal court and the railroad company may agree by contract as to the method of constructing grade separations under this section and the distribution or allocation of cost thereof, under this section, and in such event, all notices, hearings and orders shall be deemed to have been waived, and the construction of the crossing shall be performed in accordance with the terms of the contract, with the same effect as though the work was being performed pursuant to a final order of the fiscal court.

Sec. 4. All contracts let by the railroad company under this Act shall be submitted to and approved by the County Road Engineer.

Sec. 5. After the construction of any grade separation under this Act, the county shall maintain the roadway paving and sidewalks. If the road crosses the railroad by an overhead bridge or elevated structure, the county shall maintain the bridge or structure and its approaches. If the road passes under the railroad tracks, the railroad company shall maintain the structure supporting its tracks and its abutments.

Sec. 6(a). Any railroad company dissatisfied with a final order of the fiscal court directing the elimination of any existing grade crossing or change of existing overhead or underpass structure under Section 2 hereof, or a final order in respect of a new crossing under Section 3 hereof, may, within twenty days after receipt by the railroad company of a copy of the order, attested by the clerk of the fiscal coutr, file in the clerks's office of the circuit court of the county, together with a statement of the reasons why the order should not be enforced. On the filing of a copy of the order and the statement, the circuit clerk shall issue summons thereon in the same manner as summons is issued in equity actions in the circuit court. The trial of all appeals under this section shall be by a chancellor and shall take precedence of all other civil business in the circuit court, and the evidence shall be taken by depositions or as the circuit court may direct.

(b). On the hearing of the appeal, the circuit court shall determine whether the construction required by such final order is reasonably necessary for the public safety, whether the plans and specifications prescribed by such order make reasonably adequate provisions for present and future safety and convenience of highway traffic and present and future safety of operation of trains of the railroad company, its employees and passengers, and for future development of highway and railroad facilities. If the appeal be from a final order of the fiscal court made pursuant to Section 3 hereof, the circuit court shall further determine whether the cost of the grade separation was equitably imposed on one party or equitably apportioned between the county and the railroad company.

(c). Upon submission of the case, the circuit court shall embody its findings and conclusions of law in a final judgment, which may enjoin the fiscal court from enforcing its order, or direct the railroad company to proceed with the work in accordance with the order of the fiscal court, or in accordance with other plans and specifications prescribed by the court, and, if the appeal be from a final order under Section 3 hereof, shall impose the cost of the work on the county or on the railroad company, or distribute or apportion the cost of the work to and between the county and the railroad company.

Sec. 7. Either the county or the railroad company dissatisfied with the final judgment of the circuit court may appeal to the Court of Appeals in the same manner as appeals are taken in other civil cases, except that no appeal bond shall be required. In all such appeals the record must be filed in the office of the Clerk of the Court of Appeals not later than sixty days after the entry of the judgment in the circuit court. All cases appealed under this section to the Court of Appeals shall be immediately docketed. The appellant shall file its brief within fifteen days after the appeal is docketed, and the appellee shall file its brief within fifteen days thereafter. Thereupon the case shall be advanced and submitted.

Sec. 8. If any railroad company fails to comply with any order of the fiscal court issued under authority of this Act or with a final judgment of the circuit court or Court of Appeals, the county through its fiscal court may cause to be instituted in the circuit court of the county an action to compel compliance with the order by mandatory process of the court.

Sec. 9. Whereas, railroad companies are planning immediate and substantial construction of new trackage in Jefferson County; now

Therefore, an emergency is declared to exist, and this Act shall become effective from and after its passage and approval by the Governor.

Mr. Friedlander moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Mr. Lambert moved that H. B. 256 be tabled.

Said motion was agreed to, by voice vote.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 254. AN ACT relating to inspection of state mental institutions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Kentucky Legislative Research Commission shall conduct periodic inspections of each of the state mental institutions in the Commonwealth and report a summary of its findings in writing to the General Assembly not later than the first week of each of its regular sessions. For the purpose of carrying out the provisions of this Act the Legislative Research Commission is authorized to appoint a subcommittee of not more than eleven members of the General Assembly.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Henry C. Hale	Hobart Rayburn
Henry Arrowood	Eugene B. Hancock	Tipton Reed
Sidney Baer	George F. Harris	J. F. Robinson
John Rhea Banton	William K. Henry	Earl Rogers
Clarence J. Barnum	Thomas D. Hewlett	Joe Rouse
Owen Billington	Henry R. Heyburn	Carl J. Ruh
J. C. Bradley	E. R. Hilton	Amos Runyon
Ed T. Breathitt	Chester J. Holsclaw	Cecil Sanders
Edw. O. Bridgers	William M. Horn	Clem Schroader
Thomas L. Britton	Paul S. Jonas	Gus F. Sheehan, Jr.
Alex H. Calvert	William L. Jones	Dr. B. F. Shields
Walter J. Chyle, Jr.	Jennings Kearby	E. A. Spencer
Marvin A. Cornett	Jesse H. Lawrence	Mrs. Thelma Stovall
R. Josh Cosby	Paul M. Lewis	E. H. (Ted) Stumbo
Charles M. Crowe	Mrs. J. T. Linton	Albert Thomason
C. E. Dowell	Harry K. Lowman	Wm. F. Threlkeld
Thomas R. Duncan	Shelby McCallum	Marion Vance
R. L. Dunigan	Tom Mobley	Eulick (Mike) Walsh
Jack Early	Robert H. Moore	L. M. Weathers
Harold Edwards	Walter R. Moorman	W. W. Webster
William Engle	Fred H. Morgan	Hicks Wells
Herbert Fern	Ewin C. Neville	W. A. (Pete) Wickliffe
Wm. P. Friedlander	Bart N. Peak	Walker H. Wiseman
Charles M. Greene	Louis T. Peniston	Garrett L. Withers

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Those who voted in the negative were—

Lewis W. Combest	Roscoe Estep	John Head
James A. Dressman, Jr.	Leslie Gay	William Maglinger

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 133. AN ACT relating to the authority of peace officers concerning height, length, width and weight limits of motor trucks, semi-trailer trucks and trailers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 189.223 of the Kentucky Revised Statutes is amended to read as follows:

(1) Subject to the exception provided in subsection (2) any peace officer having reason to believe that the height, length, width or weight of any motor truck, semi-trailer truck, or trailer, is in excess of the maximum limits prescribed by KRS 189.221 and 189.222 or permitted by any special permit issued under KRS 189.270 and in the posssesion of the operator, may measure it or weigh it either by portable or stationary scales, and may require it to be driven to the nearest scales, if such scales are within a distance of five miles from the point at which the vehicle is first directed to stop. If the officer shall determine that the operation of the motor truck, semi-trailer, or trailer, was unlawful, he shall require the operator of said motor truck, semi-trailer truck, or trailer to unload such portion of the load as may be necessary to decrease the gross weight of the vehicle to the maximum gross weight permitted under the terms of KRS 189.221 and 189.222 or of KRS 189.270, or he may, at the election of the operator, permit the operator to move the vehicle with its load to the nearest city or nearest court having jurisdiction, at which place the excess load shall be unloaded. The excess load shall be unloaded at the sole risk of the owner. The refusal of the operator to permit his motor truck, semi-trailer truck, or trailer to be measured or weighed, or to proceed to a scales, or to unload the excess load, shall constitute a violation of KRS 189.221 to 189.228.

(2) Members of city police departments or forces shall not enforce the provisions of subsection (1) on highways which are a part of the state-maintained system of highways.

Mr. Lowman moved the adoption of the Committee Substitute to H. B. 133.

Said substitute is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Notwithstanding any other statutory provisions to the contrary, all fines and forfeitures recovered in any court as a result of a conviction for the violation of any of the provisions of KRS 189.221, 189.222 or 189.270, which violation occurred on a state-maintained highway and arrest was made by a member of a city police force, shall inure to the benefit of the state, shall be paid into the General Fund of the State Treasury, and no part shall be returned to the local governmental units from which they were sent.

Said motion was agreed to.

Said substitute was adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	George F. Harris	Tipton Reed
Henry Arrowood	John Head	J. F. Robinson
John Rhea Banton	Farmer Helton	Earl Rogers
Clarence J. Barnum	Thomas D. Hewlett	Joe Rouse
Owen Billington	Henry R. Heyburn	Carl J. Ruh
J. C. Bradley	E. R. Hilton	Amos Runyon
Ed T. Breathitt	Chester J. Holsclaw	Cecil Sanders
Edw. O. Bridgers	William M. Horn	Clem Schroader
Thomas L. Britton	Paul S. Jonas	Gus F. Sheehan, Jr.
Alex H. Calvert	William L. Jones	Dr. B. F. Shields
Walter J. Chyle, Jr.	Jennings Kearby	E. A. Spencer
Lewis W. Combest	Mrs. J. T. Linton	Mrs. Thelma Stovall
Marvin A. Cornett	Harry K. Lowman	E. H. (Ted) Strumbo
R. Josh Cosby	William Maglinger	Albert Thomason
Charles M. Crowe	Shelby McCallum	Marion Vance
R. L. Dunigan	Tom Mobley	Eulick (Mike) Walsh
Jack Early	Fred H. Morgan	Wm. T. Wathen
Harold Edwards	Earl F. Murphy	L. M. Weathers
William Engle	Thomas J. Murphy	W. W. Webster
Roscoe Estep	Ewin C. Neville	Morris Weintraub
Herbert Fern	Bart N. Peak	Hicks Wells
Charles M. Greene	Louis T. Peniston	Walker H. Wiseman
Eugene B. Hancock	Hobart Rayburn	Garrett L. Withers

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Those who voted in the negative were—

James A. Dressman, Jr.	William K. Henry	Paul M. Lewis

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 175. AN ACT concerning equipment of vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. All motor trucks and semi-trailer trucks shall be equipped with mud guards of such design and material as will efficiently decrease the amount of mud and spray thrown into the air by the tires of such vehicles.

Section 2. Any person who violates the provisions of Section 1 of this Act shall be fined not less than ten dollars not more than one hundred dollars for each offense.

Mr. Sheehan moved that the Committee Substitute to H. B. 175 be adopted.

Said substitute is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) No person shall drive or operate or cause to be driven or operated any commercial car, trailer or semi-trailer, used for the transportation of goods or property, upon the public highways, streets, bridges and culverts within the State of Kentucky or any sub-division thereof, unless such vehicle is equipped with suitable protectors or substantial flexible flaps on the rear-most wheels of such vehicles or combination of vehicles to prevent as far as practicable such wheels from throwing dirt, water or other materials on the windshields of the trailing vehicles.

(2) Such protectors or flaps shall have a ground clearance of not more than one-fifth of the distance from the center of the rear-most axle to the center of the flaps under any conditions of loading of the motor vehicle, shall be at least as wide as the tires they are protecting, provided, however, that if the motor vehicle is so designed and constructed that the above requirements are accomplished by means of fenders, body construction or other means of enclosure, then no such protectors or flaps shall be required, and further provided that rear wheels not covered at the top of fenders, bodies or other parts of the vehicle shall be covered at the top by protective means extending at least to the center line of the rear-most axle.

(3) Any person found guilty of a violation of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than twenty-five dollars.

Said motion was agreed to.

Said substitute was adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	C. E. Dowell	Walter R. Moorman
Henry Arrowood	James A. Dressman, Jr.	Fred H. Morgan
Sidney Baer	Jack Early	Earl F. Murphy
John Rhea Banton	John Head	Thomas J. Murphy
Clarence J. Barnum	Henry R. Heyburn	Ewin C. Neville
Owen Billington	E. R. Hilton	Bart N. Peak
J. C. Bradley	Chester J. Holsclaw	Louis T. Peniston
Ed T. Breathitt	William M. Horn	Hobart Rayburn
Edw. O. Bridgers	Paul S. Jonas	Tipton Reed
Alex H. Calvert	Jennings Kearby	Joe Rouse
Marvin A. Cornett	Mrs. J. T. Linton	Carl J. Ruh
R. Josh Cosby	Shelby McCallum	Amos Runyon
Charles M. Crowe	Russell L. Meadows	Cecil Sanders

Gus F. Sheehan, Jr.	Marion Vance	Morris Weintraub
Dr. B. F. Shields	Eulick (Mike) Walsh	William B. Wells
Mrs. Thelma Stovall	Wm. T. Wathen	W.A.(Pete)Wickliffe
Albert Thomason	L. M. Weathers	Walker H. Wiseman
Wm. F. Threlkeld		

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Those who voted in the negative were—

Thomas L. Britton	Leslie Gay	Paul M. Lewis
Walter J. Chyle, Jr.	Charles M. Greene	William Maglinger
Lewis W. Combest	Henry C. Hale	Tom Mobley
R. L. Dunigan	Eugene B. Hancock	J. F. Robinson
Harold Edwards	Farmer Helton	Earl Rogers
William Engle	William L. Jones	Clem Schroader
Roscoe Estep	James W. Lambert	John A. Sloan
Herbert Fern	Jesse H. Lawrence	Hicks Wells

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 41. AN ACT relating to the creation and establishment of public road districts in counties containing cities of the first class and in cities of the sixth class located in counties containing cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 184.010 of the Kentucky Revised Statutes is amended to read as follows:

Public road districts may be established in counties containing cities of the first class for the purpose of providing the general public and persons residing upon or owning property adjacent to such roads with all-weather roads, appropriate drainage of

said roads and sidewalks on either or both sides of said roads, with reasonable maintenance during the existence of the road district.

Section 2. Section 184.020 of the Kentucky Revised Statutes is amended to read as follows:

A public road district may be established in the following manner:

(a) Any person or group of persons owning property abutting upon any public road (which is neither a county road nor a state road) in cities of the sixth class located in counties containing cities of the first class, and in counties outside of and containing cities of the first class, may sponsor the creation of such a road district. The sponsors shall first prepare or have prepared for them a map of that section of such public road which they desire to have improved. Such map shall show the boundary lines and terminal points of the road desired to be improved and shall set forth on such map the names of the owners of all property and the number of linear feet owned by them abutting upon such road the location and size of drainage ditches and sidewalks. The sponsors of said road district shall also have estimated for them by an engineer, who must be a private engineer licensed by the Commonwealth of Kentucky, pursuant to Chapter 93 of the Acts of the General Assembly for the year 1928, the approximate cost of constructing the improvements desired and reasonable maintenance for the duration of the road district, together with a statement of the approximate cost which shall be borne by each owner of property abutting on the road, determined by the number of linear feet of property owned by each abutting property holder. Said sponsors of said road district shall also prepare a petition and shall attach to said petition the aforesaid maps and statements of cost.

Section 3. Section 184.070 of the Kentucky Revised Statutes is amended to read as follows:

The board of directors, which is hereby declared to be the governing body of the road district, shall keep a record of its proceedings, shall adopt and have a seal, and shall exercise all powers and manage and control all the affairs and property

of the district. Said board of directors shall elect one of its members chairman, one secretary and one treasurer. The board may employ an attorney and an engineer, who shall serve in such capacities during the pleasure of the board and for such reasonable compensation as may be fixed by the board and approved by order of the county court. Each member of the board may receive a salary of not in excess of two hundred dollars per annum for his services, which salary shall be fixed at the first meeting of said board, and approved of by order of the county court, and thereafter may be decreased as the duties of the members decrease. The board may adopt such rules and regulations as are necessary for its proper functioning. The chairman, secretary and treasurer of the district shall perform such duties as are usually performed by such officers. The county court by method similar to that for approving settlements of fiduciaries shall approve the accounts and acts of all directors upon death, resignation or at expiration of their term of office, which county court approval shall relieve the surety upon the bond of such director, the cost of which shall be a charge against the district. When the affairs of the district have been completed, the directors and officers shall by verified petition ask the county court for a dissolution of the district, which petition shall include an accounting of all monies received and disbursed by the district and shall be referred to a county court commissioner as in fiduciary settlements and when approved by the county court shall release said officers, directors and their surties, the cost of which shall be a charge against the district.

Section 4. Section 184.120 of the Kentucky Revised Statutes is amended to read as follows:

When a bid has been accepted and the cost of constructing the road improvement has thus been determined, the board of directors shall prepare a statement of all costs of constructing the project (including the cost of organizing the district, preliminary expenses, fees of directors, engineer and attorney, and a sum sufficient to provide for any unforeseen contingencies up to and including the completion of the project, together with a fund adequate to provide for continuing costs of the district which may include reasonable maintenance of the roads, drainage, ditches and sidewalks for a period of ten years) and shall there-

upon determine the front-foot cost of constructing the road improvement. The board of directors shall then assess against each owner of the property abutting upon the road improved within the limits of the improvement that proportion of the cost of constructing the entire improvement which his front footage abutting upon the road bears to the total front footage of all properties abutting upon the road within the area to be improved. In determining the total front footage, intersections shall be included.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Lewis W. Combest	Harold Edwards
Henry Arrowood	Marvin A. Cornett	William Engle
John Rhea Banton	R. Josh Cosby	Roscoe Estep
Clarence J. Barnum	Charles M. Crowe	Leslie Gay
Owen Billington	C. E. Dowell	Charles M. Greene
William W. Blanton	James A. Dressman, Jr.	George F. Harris
Edw. O. Bridgers	Thomas R. Duncan	John Head
Alex H. Calvert	R. L. Dunigan	Farmer Helton
Walter J. Chyle, Jr.	Jack Early	William K. Henry

Thomas D. Hewlett	Tom Mobley	Dr. B. F. Shields
Henry R. Heyburn	Walter R. Moorman	John A. Sloan
E. R. Hilton	Fred H. Morgan	E. A. Spencer
Ray Holbrook	Thomas J. Murphy	Mrs. Thelma Stovall
Chester J. Holsclaw	Ewin C. Neville	E. H. (Ted) Strumbo
William M. Horn	Bart N. Peak	Albert Thomason
William L. Jones	Louis T. Peniston	Wm. F. Threlkeld
Jennings Kearby	Tipton Reed	Marion Vance
James W. Lambert	J. F. Robinson	Eulick (Mike) Walsh
Jesse H. Lawrence	Earl Rogers	L. M. Weathers
Paul M. Lewis	Carl J. Ruh	Morris Weintraub
Mrs. J. T. Linton	Amos Runyon	Hicks Wells
Harry K. Lowman	Cecil Sanders	William B. Wells
William Maglinger	Clem Schroader	Walker H. Wiseman
Russell L. Meadows	Gus F. Sheehan, Jr.	—71

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be returned to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 13. AN ACT concerning the practice of chiropody.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 311.420 of the Kentucky Revised Statutes is amended to read as follows:

(1) The official examiners shall hold examinations of applicants for licenses to practice chiropody in this state semiannually at such times and places as the board shall fix, and shall admit to examination any applicant who:

(a) Is at least twenty-one years of age;

(b) Is a citizen of the United States and a resident of the State of Kentucky;

(c) Is of good moral character and temperate habits; and

(d) Has completed a course in and graduated from a school or college of chiropody approved by the board; and no school or college of chiropody shall be approved by the board unless it has a minimum requirement of a course of required study consistent with the approved schools of the Council of Education of the National Association of Chiropodists as recommended by the official examiners; but this last requirement shall not be applicable to veterans of the armed forces of the United States of America who graduated from a school or college of chiropody approved by the Federal Government and whose tuition for attending said school or college was paid for in whole or in part by the federal government.

(2) The examination shall embrace the subjects of anatomy, physiology, chemistry, bacteriology, histology, pathology, dermatology, pedic-surgery, physio-therapy, diognosis and treatment, materia medica and therapeutics, and other subjects as these subjects relate to antiseptics and anaesthetics and clinical chiropody, but the examination shall be so limited in its scope as to cover only the minimum requirements for chiropody educations. All veterans of the armed forces of the United States of America shall be granted an additional credit of five points above their earned points in their examination upon each of the above subjects.

(3) Applicants for examination shall present their credentials to the board by mail upon forms furnished by the board, and shall receive due notice of the place and date of the examination. Each application shall contain proof of the qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by an examination fee of twenty-five dollars.

(4) The board shall issue a license to any person who complies with the provisions of KRS 311.380 to 311.520 and who satisfactorily passes the examination: And also to any person who tenders to the board his application for a license

and a fee of twenty-five dollars and evidence by affidavit that he is of good moral character and was engaged in the practice of chiropody in Kentucky continuously for a period of five years immediately before March 25, 1948, the date this original act was approved, excluding from the period any time in which the applicant was engaged in the services of the military, naval, or air force of the United States during World War II.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.
Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	J. C. Bradley	Marvin A. Cornett
Henry Arrowood	Ed T. Breathitt	R. Josh Cosby
Sidney Baer	Edw. O. Bridgers	Charles M. Crowe
John Rhea Banton	Thomas L. Britton	C. E. Dowell
Clarence J. Barnum	Alex H. Calvert	James A. Dressman, Jr.
Owen Billington	Walter J. Chyle, Jr.	Thomas R. Duncan
William W. Blanton	Lewis W. Combest	R. L. Dunigan

Jack Early	James W. Lambert	Carl J. Ruh
Harold Edwards	Jesse H. Lawrence	Amos Runyon
William Engle	Paul M. Lewis	Cecil Sanders
Roscoe Estep	Mrs. J. T. Linton	Clem Schroader
Herbert Fern	Harry K. Lowman	Gus F. Sheehan, Jr.
Leslie Gay	Shelby McCallum	Dr. B. F. Shields
Henry J. Giles	Russell L. Meadows	John A. Sloan
Charles M. Greene	Tom Mobley	E. A. Spencer
Eugene B. Hancock	Robert H. Moore	Mrs. Thelma Stovall
George F. Harris	Walter R. Moorman	E. H. (Ted)Stumbo
John Head	Fred H. Morgan	Albert Thomason
Farmer Helton	Thomas J. Murphy	Wm. F. Threlkeld
William K. Henry	Ewin C. Neville	Marion Vance
Thomas D. Hewlett	Bart N. Peak	Eulick (Mike) Walsh
Ray Holbrook	Louis T. Peniston	Wm. T. Wathen
Chester J. Holsclaw	Hobart Rayburn	L. M. Weathers
William M. Horn	Tipton Reed	Hicks Wells
Paul S. Jonas	J. F. Robinson	William B. Wells
William L. Jones	Earl Rogers	W. A. (Pete) Wickliffe
Jennings Kearby	Joe Rouse	Walker H. Wiseman

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be returned to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 153. AN ACT concerning civil defense.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In order to minimize the destructiveness result-

ing from enemy attack, sabotage or other hostile action, or by fire, flood, or other causes, and in order to insure that preparations of this state will be adequate to deal with disasters or emergencies, to preserve the lives and property of the people of this state, and generally to protect the public peace, health and safety, it is hereby found and declared to be necessary:

(1) to create a state civil defense agency and to authorize the creation of local organizations for civil defense in the counties and cities of the state;

(2) to confer upon the Governor and the chief executive officers of the counties and cities of the state the emergency powers provided herein;

(3) to provide for the rendering of mutual aid among the counties and cities of the state, and with other states and with the Federal Government with respect to the performance of civil defense functions; and

(4) to authorize the establishment of such organizations and the taking of such steps as are necessary and appropriate to carry out the provisions of this chapter.

Section 2. As used in this chapter, unless the context requires otherwise:

(1) "Civil Defense" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces or other Federal agencies are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by enemy attack, sabotage, or other hostile action, or by fire, flood or other causes. These functions include, without limitation, fire fighting services, police services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical and other special weapons of defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, plant protection, temporary restoration of public utility services, and other functions related to civilian protection,

together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions;

(2) "Civil Defense Agency" means the Division of Civil Defense of the Department of Military Affairs;

(3) "Director" means the Director of the Division of Civil Defense of the Department of Military Affairs;

(4) "Council" means the Civil Defense Advisory Council.

Section 3. There is hereby created as a division of the Department of Military Affairs a Division of Civil Defense for the purpose of carrying out the provisions of this chapter.

Section 4. The functions of the Civil Defense Agency shall be directed and supervised by the Adjutant General who shall be the director thereof and who shall be responsible to the Governor for carrying out the program for civil defense of the state. The director shall coordinate the activities of all organizations for civil defense within the state and shall maintain liaison with and cooperate with civil defense agencies of other states and the Federal Government. The director shall have such additional authority, duties and responsibilities as may be prescribed by the Governor.

Section 5. The director may employ technical, clerical, stenographic and other personnel and fix the compensation of such employees as are to be compensated.

Section 6. The Civil Defense Agency shall be furnished appropriate office space, furniture, equipment, supplies, stationery and printing.

Section 7. There is hereby created a Civil Defense Advisory Council to be composed of not less than twelve nor more

than twenty members to be appointed by the Governor. The members shall serve without compensation but they may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties. The council, of which the Governor shall be chairman, shall advise the Governor and the director on all matters pertaining to civil defense.

Section 8. The Governor shall have general direction and control of the Civil Defense Agency, and shall be responsible for the carrying out of the provisions of this Act, and in the event of disaster or emergency beyond local control, may assume direct operational control over all or any part of the civil defense functions within this State.

Section 9. In performing his duties under this Act, the Governor is authorized and empowered:

(1) To make, amend, and rescind the necessary orders, rules, and regulations to carry out the provisions of this Act with due consideration of the plans of the Federal Government;

(2) To prepare a comprehensive plan and program for the civil defense of this state, such plan and program to be integrated into and coordinated with the civil defense plans of the Federal Government and of other states to the fullest possible extent, and to coordinate the preparation of plans and programs for civil defense by the counties and cities of this state, such plans to be integrated into and coordinated with the civil defense plan and program of this state to the fullest possible extent;

(3) In accordance with such plan and program for the civil defense of this state, to ascertain the requirements of the state and of the counties and cities thereof for food or clothing or other necessities of life in the event of attack and to plan for and procure supplies, medicines, materials, and equipment, and to use and employ from time to time any of the property, services, and resources within the state, for the purposes set forth in this Act; to institute training programs and public information programs, and to take all other preparatory steps, including the partial or full mobilization of civil defense organizations in advance of actual disaster, to insure the furnishing of adequately

trained and equipped forces of civil defense personnel in time of need.

(4) To cooperate with the President of the United States, the chiefs of the Armed Forces, and the civil defense agency of the United States, and officers and agencies of other states in matters pertaining to the civil defense of the state and nation and the incidents thereof; and in connection therewith, to take any measures which he may deem proper to carry into effect any request of the President and the appropriate Federal officers and agencies, for any action looking to civil defense, including the direction or control of black-outs and practice black-outs, air-raid drills, mobilization of civil defense forces, and other tests and exercises, warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith, the effective screening or extinguishing of all lights and lighting devices and appliances, the shutting off of water mains, gas mains, electric power connections and the suspension of all other utility services, the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, prior, and subsequent to drills or attack, public meetings or gatherings and the evacuation and reception of the civilian population;

(5) To take such action and give such directions to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this Act and with the orders, rules, and regulations made pursuant thereto;

(6) To employ such measures and give such directions to the state or local boards of health as may be reasonably necessary for the purpose of securing compliance with the provisions of this Act or with the findings or recommendations of such boards of health by reason of conditions arising from enemy attack or the threat of enemy attack or otherwise;

(7) To utilize the services and facilities of existing officers and agencies of the state and of the political subdivisions thereof; and all such officers and agencies shall cooperate with and extend their services and facilities to the Governor as he may request;

(8) To establish agencies and offices and to appoint executive, technical, clerical, and other personnel as may be necessary to carry out the provisions of this Act including, with due consideration to the recommendations of the local authorities, full-time state and regional area directors;

(9) To delegate any authority vested in him under this Act, and to provide for the subdelegation of any such authority;

(10) On behalf of this state to enter into reciprocal aid agreements or compacts with other states and the Federal Government, either on a state-wide basis or local county or city basis or with a neighboring state or province of a foreign country. Such mutual aid agreements shall be limited to the furnishing or exchange of food, clothing, medicine, and other supplies, engineering services, emergency housing, police services, National or State Guards while under the control of the state, health, medical, and related services, fire fighting, rescue, transportation, and construction services and equipment, personnel necessary to provide or conduct these services, and such other supplies, equipment, facilities, personnel, and services as may be needed, the reimbursement of costs and expenses for equipment, supplies, personnel, and similar items for mobile support units, fire fighting, and police units and health units, and on such terms and conditions as are deemed necessary;

(11) To sponsor and develop mutual aid plans and agreements among the counties and cities of the state, similar to the mutual aid arrangements with other states referred to above.

Section 10. In the event of actual enemy attack against the United States, the Governor, with the advice and consent of the Council, may declare that a state of emergency exists, and thereafter the Governor shall have and may exercise for such period as such state of emergency exists or continues, the following additional emergency powers:

(1) To enforce all laws, rules, and regulations relating to civil defense and to assume direct operational control of all civil defense forces and helpers in the state;

(2) To seize, take, or condemn property for the protection

of the public or at the request of the President, the Armed Forces or the civil defense agency of the United States including:

(a) All means of transportation and communication;

(b) All stocks of fuel of whatever nature;

(c) Food, clothing, equipment, materials, medicines, and all supplies; and

(d) Facilities, including buildings and plants;

(3) To sell, lend, give, or distribute all or any such property among the inhabitants of the state and to account to the State Treasurer for any funds received for such property;

(4) To make compensation for the property so seized, taken, or condemned;

(5) To perform and exercise such other functions, powers, and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population.

Section 11. In case property is taken for temporary use, the Governor shall, within thirty days of the taking, fix the amount of compensation to be paid therefor. In case such property shall be returned to the owner in a damaged condition or shall not be returned to the owner, the Governor shall, within thirty days after the taking, fix the amount of compensation to be paid for such damage or failure to return. Whenever the Governor shall deem it advisable for the state to take title to property taken under this section, he shall forthwith cause the owner of such property to be notified thereof in writing by registered mail, postage prepaid, and forthwith cause to be filed a copy of said notice with the Secretary of State.

Section 12. If the owner of any property seized, taken or condemned pursuant to subsection (b) of section 10 refuses to accept as adequate the compensation fixed by the Governor, he may present a claim to the Board of Claims which shall hear and determine it according to the provisions of Chapter 44 of KRS and the regulations of the board. The provisions of KRS 44.070(2) shall not apply to claims presented pursuant to this chapter.

Section 13. The owner of property seized, taken or con-

demned may appeal from the award of the Board of Claims to the Circuit Court of the county wherein he resides if the amount in controversy, exclusive of interest and costs, is over twenty-five dollars or to the Quarterly Court of the county wherein he resides in other cases. Sections 724 through 731 of the Civil Code of Practice shall, so far as applicable, govern the procedure on appeal but the action shall be tried according to the practice prescribed for the trial of jury cases.

An appeal from the judgment may be taken to the Court of Appeals as in other cases subject to the provisions of KRS 21.060, 21.070 and 21.080.

Section 14. If the owner of property seized, taken or condemned accepts as adequate the compensation fixed by the Governor, he shall file a statement of the amount of compensation from the Governor to the Department of Finance which shall draw a warrant on the State Treasurer for the amount of the compensation, in favor of the person entitled to payment.

If the compensation is determined by award of the Board of Claims or judgment of a court, as provided in this chapter, a certified copy of such award or judgment shall be filed with the Department of Finance which shall draw a warrant on the State Treasurer for the amount of the award or judgment.

The State Treasurer shall pay such warrants out of any money in the treasury not otherwise appropriated.

Section 15. The director of each local organization for civil defense may develop or cause to be developed mutual-aid arrangements with other public and private agencies within this state for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted. Counties and cities may confer or authorize the conferring upon members of the auxiliary police the powers of peace officers, subject to such restrictions as shall be imposed. Such arrangements shall be consistent with the state civil defense plan and program, and in time of emergency it shall be the duty of each local organization for civil defense to render assistance in accordance with the provisions of such mutual-aid arrangements.

The director of each local organization for civil defense may

assist in negotiation of reciprocal mutual-aid agreements between the Governor and the adjoining states (including foreign states or provinces) or political subdivisions thereof, and shall carry out arrangements or any such agreement relating to the local and political subdivision.

Section 16. Each county and city of this state is hereby authorized and directed to establish a local organization for civil defense in accordance with the state civil defense plan and program. The county judge of each county and the chief executive of each city or governing body thereof is authorized to appoint a director who shall have direct responsibility for the organization, administration and operation of such local organization for civil defense, subject to the direction and control of such appointing officer or governing body. Each local organization for civil defense shall perform civil defense functions within the territorial limits of the county or city within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of this Act.

Section 17. Each county and city shall have the power and authority:

(1) To appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for civil defense purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any disaster; and to direct and coordinate the development of civil defense plans and programs in accordance with the policies and plans prescribed by the Federal and state civil defense agencies;

(2) To appoint, employ, remove, or provide, with or without compensation, air-raid wardens, rescue teams, auxiliary fire and police personnel, and other civilian defense workers;

(3) To establish a primary and one or more secondary control centers to serve as command posts during an emergency;

(4) Subject to the order of the Governor, or the chief executive of the county or city, to assign and make available for duty, the employes, property, or equipment of the county or

city relating to fire fighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items or services for civil defense purposes and within or outside of the physical limits of the county or city;

(5) In the event of enemy attack or state of emergency as provided in section 10, to waive procedures and formalities otherwise required by the law pertaining to: the performance of public work, entering into contracts, the incurring of obligations, the employment of permanent and temporary workers, the utilization of volunteer workers, the rental of equipment, the purchase and distribution, with or without compensation, of supplies, materials, and facilities, and the appropriation and expenditure of public funds.

Section 18. Whenever the employes of any county or city are rendering outside aid pursuant to the authority contained in section 16 hereof, such employes shall have the same powers, duties, rights, privileges, and immunities as if they were performing their duties in the county or city in which they are normally employed.

Section 19. The city or county in which any equipment is used pursuant to this section shall be liable for any loss or damage thereto and shall pay any expense incurred in the operation and maintenance thereof. No claim for such loss, damage, or expense shall be allowed unless, within sixty days after the same is sustained or incurred, an itemized notice of such claim under oath is served by mail or otherwise upon the chief fiscal officer of such county or city where the equipment was used. The county or city which is aided pursuant to this section shall also reimburse the county or city furnishing such aid for the compensation paid to employes furnished under this section during the time of the rendition of such aid and shall defray the actual traveling and maintenance expenses of such employes while they are rendering such aid. Such reimbursement shall include any amounts paid or due for compensation due to personal injury or death while such employes are engaged in rendering such aid. The term "employe" as used in this section shall mean, and the provisions of this section shall apply with equal effect to, paid, volunteer, auxiliary employes, and civil defense workers.

The foregoing rights, privileges, and obligations shall also apply in the event such aid is rendered outside the state, provided that payment or reimbursement in such case shall or may be made by the state or political subdivision receiving such aid pursuant to a reciprocal mutual-aid agreement or compact with such state or by the Federal Government.

Section 20. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending, mock or practice attack shall, together with his successors in interest, if any, not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises for loss of, or damage to, the property of such person.

Section 21. The Governor, or the director at the request of the Governor, is authorized to create and establish such number of mobile support units as may be necessary to reinforce civil defense organizations in stricken areas and with due consideration of the plans of the Federal Government and of other states. He shall appoint a commander for each such unit who shall have primary responsibility for the organization, administration, and operation of such unit. Mobile support units shall be called to duty upon orders of the Governor or the director and shall perform their functions in any part of the state, or, upon the conditions specified in this Act, in other states.

Section 22. Personnel of mobile support units while on duty, whether within or without the state, shall, if they are employes of the state or of cities or counties, and whether serving within or without such cities or counties, have the powers, duties, rights, privileges, and immunities and receive the compensation incidental to their employment. If such personnel are not employes of the state or of a county or city thereof, they shall be entitled to compensation by the state at $3.00 per day and to the same rights and immunities as are provided by law for the employes of this state. All personnel of mobile support units shall, while on duty, be subject to the operational control of the

authority in charge of civil defense activities in the area in which they are serving, and shall be reimbursed for all actual and necessary travel and subsistence expenses.

The state shall reimburse a county or city for the compensation paid and actual and necessary travel, subsistence, and maintenance expenses of employes of such county or city while serving as members of a mobile support unit, and for all payments for death, disability, or injury of such employes incurred in the course of such duty, and for all losses of or damage to supplies and equipment of such county or city resulting from the operation of such mobile support units.

Section 23. Whenever a mobile support unit of another state shall render aid in this state pursuant to the orders of the Governor of its home state and upon the request of the Governor of this state, this state shall reimburse such other state for the compensation paid and actual and necessary travel, subsistence, and maintenance expenses of the personnel of such mobile support unit while rendering such aid, and for all payments for death, disability, or injury of such personnel injured in the course of rendering such aid, and for all losses of or damage to supplies and equipment of such other state or a political subdivision thereof resulting from the rendering of such aid: Provided, that the laws of such other state contain provisions substantially similar to this section or that provisions to the fore-going effect are embodied in a reciprocal mutual-aid agreement or compact or that the Federal Government has authorized or agreed to make such reimbursement for such mutual aid as above provided.

No personnel of mobile support units of this state shall be ordered by the Governor to operate in any other state unless the laws of such other state contain provisions substantially similar to this section or unless the reciprocal mutual aid agreements or compacts include provisions providing for such reimbursement or unless such reimbursement will be made by the Federal Government by law or agreement.

Section 24. For the purpose of making surveys and investigations and obtaining information, except the investigation of subversive activities that are the responsibility of the Federal Bureau of Investigation, the Governor may compel by subpoena

the attendance of witnesses, and the production of books, papers, records, and documents of individuals, firms, associations, and corporations; and all officers, boards, commissions, and departments of the state, and the political subdivisions thereof, having information with respect thereto, shall cooperate with and assist him in making such investigation and surveys.

Section 25. The Governor may formulate and execute plans and regulations for the control of traffic in order to provide for the rapid and safe movement of evacuation over public highways and streets of people, troops, or vehicles and materials for national defense or for use in any defense industry, and may coordinate the activities of the departments or agencies of the state and of the political subdivisions thereof concerned directly or indirectly with public highways and streets, in a manner which will best effectuate such plans.

Section 26. Notwithstanding any inconsistent provision of law, the Governor may, whenever he deems it to be in the public interest:

(1) Authorize any department or agency of the state to lease or lend, on such terms and conditions as he may deem necessary to promote the public welfare and protect the interests of the state, any real or personal property of the state government to the President of the United States, the chiefs of the Armed Forces, or to the civil defense agency of the United States;

(2) Enter into a contract on behalf of the state for the lease or loan to any political subdivision of the state on such terms and conditions as he may deem necessary to promote the public welfare and protect the interests of the state, of any real or personal property of the state government, or the temporary transfer or employment of personnel of the state government to or by any political subdivision of the state.

Section 27. The chief executive or governing body of each political subdivision of the state may:

(1) Enter into such contract or lease with the state, or accept any such loan, or employ such personnel, and such political subdivision may equip, maintain, utilize, and operate any

such property and employ necessary personnel therefor in accordance with the purposes for which such contract is executed;

(2) Do all things and perform any and all acts which he may deem necessary to effectuate the purpose for which such contract was entered into in accordance with the state civil defense plan.

Section 28. The political subdivisions of the state and other agencies designated or appointed by the Governor are authorized and empowered to make, amend, and rescind such orders, rules, and regulations as may be necessary for civil defense purposes and to supplement the carrying out of the provisions of this Act, but not inconsistent with any orders, rules, or regulations promulgated by the Governor or by any state agency exercising a power delegated to it by him.

All orders, rules, and regulations promulgated by the Governor, or by any political subdivision or other agency authorized by this Act to make orders, rules, and regulations, shall have the full force and effect of law, when, in the event of issuance by the Governor, or any state agency, a copy thereof is filed in the office of the Secretary of State, or, if promulgated by a political subdivision of the state or agency thereof, when filed in the office of the clerk of the political subdivision or agency promulgating the same. All existing laws, ordinances, rules, and regulations inconsistent with the provisions of this Act, or of any order, rule, or regulation issued under the authority of this Act, shall be suspended during the period of time and to the extent that such conflict exists.

In order to attain uniformity so far as practicable throughout the country in measures taken to aid civil defense, all action taken under this Act and all orders, rules, and regulations made pursuant thereto, shall be taken or made with due consideration to the orders, rules, regulations, actions, recommendations, and requests of Federal authorities relevant thereto and, to the extent permitted by law, shall be consistent with such orders, rules, regulations, actions, recommendations and requests.

Section 29. The law enforcing authorities of the state and of the counties and cities thereof shall enforce the orders, rules, and regulations issued pursuant to this Act.

Section 30. Neither the state nor any political subdivision of the state, nor the agents or representatives of the state or any political subdivision thereof, shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer civil defense worker, or member of any agency engaged in civil defense activity. The foregoing shall not affect the right of any person to receive benefits or compensation to which he might otherwise be entitled under the workmen's compensation law or sections 18 and 19 hereof or any pension law or any Act of Congress.

Neither the state nor any political subdivision of the state nor, except in cases of wilful misconduct, gross negligence, or bad faith, the employes, agents, or representatives of the state or any political subdivision thereof, nor any volunteer or auxiliary civil defense worker or member of any agency engaged in any civil defense activity, complying with or reasonably attempting to comply with this Act, or any order, rule, or regulation promulgated pursuant to the provisions of this Act, or pursuant to any ordinance relating to black-out or other precautionary measures enacted by any city of the state, shall be liable for the death of or injury to persons, or for damage to property, as a result of any such activity.

Section 31. A peace officer, when in full and distinctive uniform or displaying a badge or other insignia of authority, may arrest without a warrant any person violating or attempting to violate in such officer's presence any order, rule, or regulation made pursuant to this Act. This authority shall be limited to those rules and regulations which affect the public generally.

Section 32. Whenever the Federal Government or any agency or officer thereof shall offer to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purposes of civil defense, the state, acting through the Governor, or such political subdivision, acting through its chief executive or governing body, may accept such offer and upon such acceptance the Governor of the state or chief executive or governing body of such political subdivision may authorize any officer of the state or of the political subdivision, as the case may be,

to receive such services, equipment, supplies, materials, or funds on behalf of the state or such political subdivision, and subject to the terms of the offer.

Section 33. No organization for civil defense established under the authority of this Act shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes.

Section 34. No person shall be employed or associated in any capacity in any civil defense organization established under this Act who advocates a change by force or violence in the constitutional form of the government of the United States or in this state or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization for civil defense shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows:

"I _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Kentucky, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

"And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates, the overthrow of the government of the United States or of the state by force or violence; and that during such time as I am a member of the (name of civil defense organization) I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence."

Section 35. Any person violating any provision of this Act or any rule, order, or regulation made pursuant to this Act shall,

upon conviction thereof, be guilty of a misdemeanor punishable by a fine or imprisonment.

Section 36. To carry out the provisions of this act, there is appropriated to the Division of Civil Defense, out of the General Expenditure Fund in the State Treasury, the sum of $33,850 for the fiscal year 1952-53 and the sum of $25,590 for the fiscal year 1953-54 for administrative costs. Expenses and expenditures of the Civil Defense Agency shall be paid out of this appropriation on vouchers approved by the director.

Section 37. Whereas, a threat to national defense is imminent, necessitating immediate cooperation of this state with the Federal civil defense agency and the civil defense agencies of other states, and

Whereas, the immediate adoption of a civil defense program is essential to the public safety and welfare of this state,

An emergency is hereby declared to exist and this Act shall take effect immediately upon its passage and approval by the Governor.

BUDGET FOR DIVISION OF CIVIL DEFENSE

	1952-53	1953-54
Deputy Director	$ 5,400	$ 5,640
Travel	600	900
Secretary	2,400	2,640
Director for Mutual Aid & Mobile Support	3,600	3,840
Travel	900	900
Postage, Freight & Express	1,000	1,000
Telephone & Telegraph	400	400
Printing & Advertising	150	150
Office Supplies	300	300
Miscellaneous	100	100
Total	$14,850	$15,870
Medical		
Secretary	$ 2,400	$ 2,640
Travel & Office Expenses	600	600
Total	$ 3,000	$ 3,240

Fire Marshal		
Secretary	$ 2,400	$ 2,640
Travel (for designated C.D. personnel)	600	600
Total	$ 3,000	$ 3,240
State Police		
Secretary	$ 2,400	$ 2,640
Travel (for designated C.D. personnel)	600	600
Total	$ 3,000	$ 3,240
	$23,850	$25,590
Amount to use in matching Federal Funds to stockpile $40,000 of Medical supplies	10,000	
GRAND TOTAL	$33,850	

Mr. Morgan moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	Owen Billington	Alex H. Calvert
John Rhea Banton	Ed T. Breathitt	Walter J. Chyle, Jr.
Clarence J. Barnum	Thomas L. Britton	Lewis W. Combest

R. Josh Cosby	Paul S. Jonas	Carl J. Ruh
Charles M. Crowe	William L. Jones	Amos Runyon
C. E. Dowell	Paul M. Lewis	Cecil Sanders
JamesA.Dressman,Jr.	Mrs. J. T. Linton	Clem Schroader
Thomas R. Duncan	Harry K. Lowman	Gus F. Sheehan, Jr.
Jack Early	Shelby McCallum	Dr. B. F. Shields
Harold Edwards	G. Lee McClain	Mrs. Thelma Stovall
William Engle	Russell L. Meadows	E. H. (Ted) Stumbo
Herbert Fern	Tom Mobley	Albert Thomason
Henry J. Giles	Robert H. Moore	Wm. F. Threlkeld
Charles M. Greene	Walter R. Moorman	Marion Vance
Eugene B. Hancock	Fred H. Morgan	Eulick (Mike) Walsh
John Head	Earl F. Murphy	L. M. Weathers
Farmer Helton	Thomas J. Murphy	Hicks Wells
Thomas D. Hewlett	Ewin C. Neville	William B. Wells
Henry R. Heyburn	Louis T. Peniston	W. A.(Pete) Wickliffe
Ray Holbrook	Tipton Reed	Walker H. Wiseman
Chester J. Holsclaw	Earl Rogers	Garrett L. Withers
William M. Horn		

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Those who voted in the negative were—

Bill Adams	Leslie Gay	Bart N. Peak

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be returned to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 172. AN ACT relating to persons handicapped as a result of cerebral palsy, poliomyelitis, muscular dystrophy, or spina bifida.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section I. The Department of Health shall establish and

maintain services and facilities, including hospital-schools, for the care and education of physically handicapped but educable persons and provide in connection therewith medical and nursing care, and academic, occupational, recreational and related training for such persons.

Section II. Any Kentucky resident who is educable but so severely handicapped as a result of cerebral palsy, poliomyelitis, muscular dystrophy, spina bifida, or other severe chronic physically handicapping conditions may be admitted to the hospital-schools or be entitled to services and faciilties provided therein. For the purposes of this Act, a Kentucky resident is defined as any person who is residing in the State and has maintained a residence therein for a period of one (1) year or more continuously prior to application for admission to a hospital-school or for the benefit of services or facilities.

Section III. Persons shall be admitted to the hospital-schools or be eligible for said services or facilities only after diagnosis according to procedures approved for this purpose. The Advisory Board hereinafter provided for shall establish the diagnostic procedure for such admission.

The Department of Health shall avail itself of the services of other public or private commissions or agencies in determining any person's eligibility for admission to, or discharge from, the hospital-schools or such services and facilities and the type of care or treatment which should be rendered.

Section IV. The Department of Health shall call upon other Departments, Agencies or Commissions of the State for such services as they are equipped to render in the care of physically handicapped persons, and such Departments, Agencies or Commissions must render those services which are consistent with their legal and administrative responsibilities.

Section V. The Department of Health is authorized to accept, for the benefit or of such hospital-schools, gifts, devises, or bequests of property, real or personal, including grants from the federal government. The Department may exercise such powers with reference to the management, sale, disposition, investment or control of propertly so given, devised, or bequeathed

as may be deemed essential to its preservation and the purpose for which made. No contribution or grant shall be received or accepted if any condition is attached as to its use or administration other than it be used for aid to such hospital-schools as herein provided for.

Section VI. Persons found eligible for treatment or care in a hospital-school, or for the services and facilities rendered therein may be placed in already existing hosptials or schools, provided that such hospital or school meets the requirements of and is approved by the Advisory Board. The Department of Health may pay for treatment, care, training, board, clothing and other necessities for any person so treated or cared for.

Section VII. There is created an Advisory Board which will consist of 15 persons and which shall be appointed by the Governor. The Advisory Board shall be composed at all times of 5 persons who are connected with official professional Agencies concerned with the care or training of severely physically handicapped persons; 5 persons who are afflicted with a severely or chronically physically handicapping diseases or who are parents of such a physically handicapped person; and 5 persons who are members of the general public.

In appointing the first board the Governor shall appoint five members to serve one, five members to serve two years and five members to serve three years. All members appointed thereafter shall be appointed for terms of three years, except when an appointment is made to fill a vacancy, in which case the appointment shall be made by the Governor for the remaining term of the position vacant.

The Advisory Board from time to time shall make recommendations to the Department of Health concerning the hospital-schools and the facilities and services provided herein.

The members of the Advisory Board shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the administration of this Act. The Advisory Board shall elect its own chairman, establish rules of procedure consistent with this Act, and shall keep a record of all matters transpiring at all meetings. The Board shall hold

regular meetings at least four times each year. Special meetings shall be held at the call of the chairman or any three members of the Board. All matters coming before the Board shall be decided by a majority vote of those present at any meeting.

Section VIII. The Superintendent of Public Instruction shall have the responsibility for supervision of the educational program offered by the Hospital-Schools to the same extent and in the same manner as he supervises the educational programs of public schools in this State.

Section IX. The Department of Health shall make all rules necessary for the administration of this Act, provided that such rules and regulations shall not be effective unless and until approved by the Advisory Board. The Board shall promptly review and act upon any rules or regulations promulgated by the Department and submitted to it for approval.

Section X. The sum of $750,000 is appropriated from the General Fund to the Department of Health for the purpose of carrying out the provisions of this Act.

Mr. Lowman moved the adoption of the Committee Substitute to H. B. 172.

Said substitute is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Department" shall mean the Department of Health;

(2) "Commissioner" shall mean the Commissioner of Health;

(3) "Physically handicapped person" shall mean a person who is severely handicapped as a result of cerebral palsy, poliomyelitis, muscular dystrophy, or spina bifida;

(4) "Educable person" shall mean a physically handicapped person, as defined above, who is determined by the Department to be capable of receiving and benefitting from the services and facilities provided by this Act;

(5) "Funds" shall mean all moneys received by the department from all persons, corporations, associations, organizations, and state or federal government agencies, specifically designated to be used for furnishing facilities and services for educable persons; provided, however, that no moneys appropriated to the department by the General Assembly of this Commonwealth shall be considered to have been appropriated for establishing, providing or maintaining services or facilities for educable persons, unless the Act appropriating such moneys expressly so provides.

Section 2. The purpose of this Act is to provide for the acceptance, custody and use, by the Commonwealth of Kentucky, of funds and properties that may be given, granted, contributed, donated, bequeathed, devise and conveyed for the hospitalization, training, education and care of physically handicapped persons, including grants that may be made for said purposes by the government of the United States of America.

Section 3. To the extent that funds are made available, the department may establish, provide and maintain facilities and services, including hospital-schools and related medical and nursing care, and vocational, academic and recreational training, instruction and education, for physically handicapped persons who are, in the judgment of the department, found to be educable after examination and diagnosis conducted in accordance with procedures prescribed by the department.

Section 4. (1) The commissioner may, from the funds available, employ, by contract or otherwise such medical, clinical, technical and other personnel that he deems necessary to effectuate the purposes of this Act, and fix and pay their compensation and necessary traveling expenses.

(2) The commissioner may, from the funds available, procure, by purchase or lease or otherwise, such property, equipment, services, facilities and supplies that he deems necessary to effectuate the purposes of this Act.

(3) The commissioner is authorized to accept, on behalf of the Commonwealth of Kentucky, all gifts, donations, contributions, grants, devises, bequests and conveyances of real and per-

sonal property for establishing, providing and maintaining the services and facilities described in section 3 of this Act, subject only to the condition that same shall be devoted to and used for said purposes. All funds received by the commissioner shall be deposited in the State Treasury and credited to a trust and agency fund account and expended only for purposes authorized by this Act.

(4) The commissioner may make and issue all necessary rules and regulations to carry out this Act; provided, however, that no educable person shall be eligible for any benefits hereunder unless he is, and has been continuously for at least twelve months immediately preceding the date of his application therefor, an actual resident of this state.

(5) The commissioner may delegate to any division of the department, or to any director thereof, any and all of his authority and duties hereunder.

(6) Upon request of the commissioner, approved in writing by the Governor, any department, agency or commission of the Commonwealth shall furnish without cost to the department such services, facilities and assistance as are available and, in the judgment of the commissioner and the Governor, required, to effectuate the purposes of this Act or its administration which is hereby vested in the department.

Said motion was agreed to.

Said substitute was adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Leslie Gay	Earl F. Murphy
Henry Arrowood	Henry J. Giles	Thomas J. Murphy
Sidney Baer	Henry C. Hale	Ewin C. Neville
John Rhea Banton	Eugene B. Hancock	Louis T. Peniston
Clarence J. Barnum	Farmer Helton	Hobart Rayburn
Owen Billington	William K. Henry	Tipton Reed
William W. Blanton	Thomas D. Hewlett	J. F. Robinson
J. C. Bradley	Henry R. Heyburn	Earl Rogers
Ed T. Breathitt	E. R. Hilton	Joe Rouse
Edw. O. Bridgers	Ray Holbrook	Carl J. Ruh
Thomas L. Britton	Chester J. Holsclaw	Amos Runyon
Alex H. Calvert	William M. Horn	Cecil Sanders
Walter J. Chyle, Jr.	Paul S. Jonas	Clem Schroader
Lewis W. Combest	William L. Jones	Gus F. Sheehan, Jr.
Marvin A. Cornett	Jennings Kearby	Dr. B. F. Shields
R. Josh Cosby	Jesse H. Lawrence	Mrs. Thelma Stovall
Charles M. Crowe	Paul M. Lewis	E. H. (Ted) Stumbo
C. E. Dowell	Mrs. J. T. Linton	Albert Thomason
JamesA.Dressman,Jr.	Harry K. Lowman	Wm. F. Threlkeld
Thomas R. Duncan	Shelby McCallum	Marion Vance
R. L. Dunigan	G. Lee McClain	Eulick (Mike) Walsh
Jack Early	Russell L. Meadows	Wm. T. Wathen
Harold Edwards	Tom Mobley	William B. Wells
William Engle	Robert H. Moore	W. A.(Pete) Wickliffe
Roscoe Estep	Walter R. Moorman	Walker H. Wiseman
Herbert Fern	Fred H. Morgan	Garrett L. Withers

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There voted in the negative—

Bart N. Peak —1

Resolved that the title thereof be as aforesaid.

Mr. Mobley moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. Res. No. 38. A JOINT RESOLUTION authorizing Oscar Crawford, of Hardin County, to sue the Department of Highways and the Commonwealth of Kentucky, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Oscar Crawford, of Hardin County, is authorized to sue the Department of Highways and the Commonwealth of Kentucky, or either, in the Hardin Circuit Court, for property damages caused by the construction of a highway by the Department of Highways.

Section 2. Said suit shall be for a sum not in excess of $10,000.

Section 3. The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 4. In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky. No plea of limitations shall be interposed.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Eugene B. Hancock	J. F. Robinson
Henry Arrowood	Farmer Helton	Earl Rogers
Clarence J. Barnum	Thomas D. Hewlett	Joe Rouse
Owen Billington	Henry R. Heyburn	Carl J. Ruh
William W. Blanton	E. R. Hilton	Amos Runyon
J. C. Bradley	Ray Holbrook	Cecil Sanders
Ed T. Breathitt	Chester J. Holsclaw	Clem Schroader
Edw. O. Bridgers	William M. Horn	Dr. B. F. Shields
Alex H. Calvert	Jesse H. Lawrence	E. A. Spencer
Walter J. Chyle, Jr.	Paul M. Lewis	Mrs. Thelma Stovall
Lewis W. Combest	Mrs. J. T. Linton	E. H. (Ted) Stumbo
Marvin A. Cornett	Harry K. Lowman	Albert Thomason
R. Josh Cosby	Shelby McCallum	Wm. F. Threlkeld
C. E. Dowell	Russell L. Meadows	Marion Vance
JamesA.Dressman,Jr.	Tom Mobley	Eulick (Mike) Walsh
Jack Early	Robert H. Moore	Wm. T. Wathen
Harold Edwards	Walter R. Moorman	L. M. Weathers
William Engle	Fred H. Morgan	Hicks Wells
Roscoe Estep	Thomas J. Murphy	William B. Wells
Herbert Fern	Bart N. Peak	W. A.(Pete) Wickliffe
Leslie Gay	Louis T. Peniston	Walker H. Wiseman
Henry J. Giles	Hobart Rayburn	Garrett L. Withers
Charles M. Greene	Tipton Reed	—67

Those who voted in the negative were—

John Rhea Banton	William L. Jones	—2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. Res. No. 31. A JOINT RESOLUTION authorizing the payment of a pauper idiot claim to Nancy Combs, of Vicco, Kentucky, committee for John Combs.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Nancy Combs, of Vicco, Kentucky, committee for John Combs, possesses a pauper idiot claim in the amount of $37.50 which was allowed by the Perry Circuit Court at the November, 1949 term.

It appearing that the claim was not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that the claim is a just claim against the Commonwealth of Kentucky, the Commissioner of Finance is hereby authorized and directed to pay the claim when presented by Nancy Combs, of Vicco, Kentucky, and the Statute of Limitations as now provided by law shall not be a bar to the payment of the claim, and the amount necessary to pay it, being $37.50 is hereby appropriated out of the General Expenditure Fund in the State Treasury for that purpose.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Roscoe Estep	Russell L. Meadows
Henry Arrowood	Herbert Fern	Tom Mobley
Clarence J. Barnum	Leslie Gay	Robert H. Moore
Owen Billington	Henry J. Giles	Walter R. Moorman
William W. Blanton	Charles M. Greene	Fred H. Morgan
J. C. Bradley	Eugene B. Hancock	Thomas J. Murphy
Ed T. Breathitt	Farmer Helton	Bart N. Peak
Edw. O. Bridgers	Thomas D. Hewlett	Louis T. Peniston
Alex H. Calvert	Henry R. Heyburn	Hobart Rayburn
Walter J. Chyle, Jr.	E. R. Hilton	Tipton Reed
Lewis W. Combest	Ray Holbrook	J. F. Robinson
Marvin A. Cornett	Chester J. Holsclaw	Earl Rogers
R. Josh Cosby	William M. Horn	Joe Rouse
C. E. Dowell	Jesse H. Lawrence	Carl J. Ruh
JamesA.Dressman,Jr.	Paul M. Lewis	Amos Runyon
Jack Early	Mrs. J. T. Linton	Cecil Sanders
Harold Edwards	Harry K. Lowman	Clem Schroader
William Engle	Shelby McCallum	Dr. B. F. Shields

E. A. Spencer	Marion Vance	William B. Wells
Mrs. Thelma Stovall	Eulick (Mike) Walsh	W. A.(Pete) Wickliffe
E. H. (Ted) Stumbo	Wm. T. Wathen	Walker H. Wiseman
Albert Thomason	L. M. Weathers	Garrett L. Withers
Wm. F. Threlkeld	Hicks Wells	

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Those who voted in the negative were—

John Rhea Banton William L. Jones —2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. Res. No. 32. A JOINT RESOLUTION authorizing the payment of a pauper idiot claim to Eli Campbell, or Cornettsville, Kentucky, committee for Ivan Campbell.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Eli Campbell, of Cornettsville, Kentucky, committee for Ivan Campbell, possesses a pauper idiot claim in the amount of $37.50 which was allowed by the Perry Circuit Court at the February, 1950, term.

It appearing that the claim was not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that the claim is a

just claim against the Commonwealth of Kentucky, the Commissioner of Finance is hereby authorized and directed to pay the claim when presented by Eli Campbell, of Cornettsville, Kentucky, and the Statute of Limitations as now provided by law shall not be a bar to the payment of the claim, and the amount necessary to pay it, being $37.50, is hereby appropriated out of the General Expenditure Fund in the State Treasury for that purpose.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	J. C. Bradley	Lewis W. Combest
Henry Arrowood	Ed T. Breathitt	Marvin A. Cornett
Clarence J. Barnum	Edw. O. Bridgers	R. Josh Cosby
Owen Billington	Alex H. Calvert	C. E. Dowell
William W. Blanton	Walter J. Chyle, Jr.	JamesA.Dressman,Jr.

Jack Early	Mrs. J. T. Linton	Cecil Sanders
Harold Edwards	Harry K. Lowman	Clem Schroader
William Engle	Shelby McCallum	Dr. B. F. Shields
Roscoe Estep	Russell L. Meadows	E. A. Spencer
Herbert Fern	Tom Mobley	Mrs. Thelma Stovall
Leslie Gay	Robert H. Moore	E. H. (Ted) Stumbo
Henry J. Giles	Walter R. Moorman	Albert Thomason
Charles M. Greene	Fred H. Morgan	Wm. F. Threlkeld
Eugene B. Hancock	Thomas J. Murphy	Marion Vance
Farmer Helton	Bart N. Peak	Eulick (Mike) Walsh
Thomas D. Hewlett	Louis T. Peniston	Wm. T. Wathen
Henry R. Heyburn	Hobart Rayburn	L. M. Weathers
E. R. Hilton	Tipton Reed	Hicks Wells
Ray Holbrook	J. F. Robinson	William B. Wells
Chester J. Holsclaw	Earl Rogers	W. A.(Pete) Wickliffe
William M. Horn	Joe Rouse	Walker H. Wiseman
Jesse H. Lawrence	Carl J. Ruh	Garrett L. Withers
Paul M. Lewis	Amos Runyon	

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Those who voted in the negative were—

John Rhea Banton William L. Jones —2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. Res. No. 11. A JOINT RESOLUTION authorizing Curt McCarty, as the next friend of H. K. McCarty, an infant, to sue the Commonwealth of Kentucky and the Department of Military Affairs, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Curt McCarty, as the next friend of H. K. McCarty, an infant of Henry County, Kentucky, for and on behalf of Curt McCarty, is authorized to sue the Commonwealth of Kentucky and the Department of Military Affairs, or either in the Gallatin Circuit Court, for damages resulting from personal injuries and medical expenses caused by alleged negligence on the part of employes of the Department of Military Affairs while acting in the line of duty.

Section 2. The suit shall be for a sum not in excess of fifty thousand dollars.

Section 3. The Attorney General may investigate the claim herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 4. In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Leslie Gay	Fred H. Morgan
Henry Arrowood	Henry J. Giles	Thomas J. Murphy
Clarence J. Barnum	Charles M. Greene	Ewin C. Neville
Owen Billington	Eugene B. Hancock	Bart N. Peak
William W. Blanton	Farmer Helton	Louis T. Peniston
J. C. Bradley	Thomas D. Hewlett	Hobart Rayburn
Ed T. Breathitt	Henry R. Heyburn	Tipton Reed
Edw. O. Bridgers	E. R. Hilton	J. F. Robinson
Alex H. Calvert	Ray Holbrook	Earl Rogers
Walter J. Chyle, Jr.	Chester J. Holsclaw	Joe Rouse
Lewis W. Combest	William M. Horn	Carl J. Ruh
Marvin A. Cornett	Jesse H. Lawrence	Amos Runyon
R. Josh Cosby	Paul M. Lewis	Cecil Sanders
C. E. Dowell	Mrs. J. T. Linton	Clem Schroader
JamesA.Dressman,Jr.	Harry K. Lowman	Dr. B. F. Shields
Jack Early	Shelby McCallum	E. A. Spencer
Harold Edwards	Russell L. Meadows	Mrs. Thelma Stovall
William Engle	Tom Mobley	E. H. (Ted) Stumbo
Roscoe Estep	Robert H. Moore	Albert Thomason
Herbert Fern	Walter R. Moorman	Wm. F. Threlkeld

Marion Vance	L. M. Weathers	W. A. (Pete) Wickliffe
Eulick (Mike) Walsh	Hicks Wells	Walker H. Wiseman
Wm. T. Wathen	William B. Wells	Garrett L. Withers

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Those who voted in the negative were—

John Rhea Banton William L. Jones —2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. Res. No. 25. A JOINT RESOLUTION authorizing payment of a claim against the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That G. G. Hibbard, former sheriff of Clay County, Kentucky, has a valid and unpaid claim against the Commonwealth of Kentucky in the amount of $257.03 for services rendered in September, 1939, in traveling to Texas and returning to Clay County one William Pennington, a fugitive from justice on a charge of obtaining money and property under false pretenses.

Section 2. That there is hereby appropriated out of the General Expenditure Fund in the State Treasury the sum of

$257.03 for the payment of the claim authorized herein. The Commissioner of Finance shall draw his warrant upon the State Treasurer in favor of G. G. Hibbard for the amount authorized.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Walter J. Chyle, Jr.	Roscoe Estep
Henry Arrowood	Lewis W. Combest	Herbert Fern
Clarence J. Barnum	Marvin A. Cornett	Leslie Gay
Owen Billington	R. Josh Cosby	Henry J. Giles
William W. Blanton	C. E. Dowell	Charles M. Greene
J. C. Bradley	James A. Dressman, Jr.	Eugene B. Hancock
Ed T. Breathitt	Jack Early	Farmer Helton
Edw. O. Bridgers	Harold Edwards	Thomas D. Hewlett
Alex H. Calvert	William Engle	Henry R. Heyburn

E. R. Hilton	Thomas J. Murphy	Mrs. Thelma Stovall
Ray Holbrook	Bart N. Peak	E. H. (Ted) Stumbo
Chester J. Holsclaw	Louis T. Peniston	Albert Thomason
William M. Horn	Hobart Rayburn	Wm. F. Threlkeld
Jesse H. Lawrence	Tipton Reed	Marion Vance
Paul M. Lewis	J. F. Robinson	Eulick (Mike) Walsh
Mrs. J. T. Linton	Earl Rogers	Wm. T. Wathen
Harry K. Lowman	Joe Rouse	L. M. Weathers
Shelby McCallum	Carl J. Ruh	Hicks Wells
Russell L. Meadows	Amos Runyon	William B. Wells
Tom Mobley	Cecil Sanders	W.A.(Pete) Wickliffe
Robert H. Moore	Clem Schroader	Walker H. Wiseman
Walter R. Moorman	Dr. B. F. Shields	Garrett L. Withers
Fred H. Morgan	E. A. Spencer	

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There voted in the negative—

William L. Jones —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. Res. No. 30. RESOLUTION, authorizing Blanche Kibbey to sue the Commonwealth of Kentucky and the State Highway Commission (now Department of Highways) either or both.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section I: That Blanche Kibbey be and she is hereby authorized, permitted, and empowered to sue the Commonwealth of Kentucky and Department of Highways, either or both of them, in such sums as will fairly and reasonably compensate her for the injuries and damages, if any, sustained by her as a direct and proximate result of the negligence, if any, of the Department of Highways and Commonwealth of Kentucky, through their agents and employees, in failing to maintain sufficient, proper, and suitable notification or warning signals at said intersection at said time and place, not exceeding, however, the sum of $25,000.00 (Twenty-Five Thousand Dollars) for personal injuries.

Section II: That the action herein authorized and permitted may be brought in the Greenup Circuit Court, same being the Circuit Court having jurisdiction in Greenup County, Kentucky, and being the County in which the injuries and damages were incurred. Said suit shall be commenced within one year from the effective date of this Resolution and no plea of limitation shall be interposed if commenced within that time.

Section III. That any party to said action may appeal from any judgment which may be rendered by the Greenup Circuit Court to the Court of Appeals of Kentucky as in any other civil suit, and the same may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise, the amount so adjudged or compromised shall be paid by the Commissioner of Finance by warrant drawn upon the State Treasurer and paid out of the State Road Fund.

Section IV: No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Eugene B. Hancock	J. F. Robinson
Henry Arrowood	Farmer Helton	Earl Rogers
Clarence J. Barnum	Thomas D. Hewlett	Joe Rouse
Owen Billington	Henry R. Heyburn	Carl J. Ruh
William W. Blanton	E. R. Hilton	Amos Runyon
J. C. Bradley	Ray Holbrook	Cecil Sanders
Ed T. Breathitt	Chester J. Holsclaw	Clem Schroader
Edw. O. Bridgers	William M. Horn	Dr. B. F. Shields
Alex H. Calvert	Jesse H. Lawrence	E. A. Spencer
Walter J. Chyle, Jr.	Paul M. Lewis	Mrs. Thelma Stovall
Lewis W. Combest	Mrs. J. T. Linton	E. H. (Ted) Stumbo
Marvin A. Cornett	Harry K. Lowman	Albert Thomason
R. Josh Cosby	Shelby McCallum	Wm. F. Threlkeld
C. E. Dowell	Russell L. Meadows	Marion Vance
James A. Dressman, Jr.	Tom Mobley	Eulick (Mike) Walsh
Jack Early	Robert H. Moore	Wm. T. Wathen
Harold Edwards	Walter R. Moorman	L. M. Weathers
William Engle	Fred H. Morgan	Hicks Wells
Roscoe Estep	Thomas J. Murphy	William B. Wells
Herbert Fern	Bart N. Peak	W. A. (Pete) Wickliffe
Leslie Gay	Louis T. Peniston	Walker H. Wiseman
Henry J. Giles	Hobart Rayburn	Garrett L. Withers
Charles M. Greene	Tipton Reed	—68

Those who voted in the negative were—

John Rhea Banton	William L. Jones	—2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. Res. No. 40. A JOINT RESOLUTION providing for the purchase and distribution of copies of the Kentucky Directory, 1952 Edition.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the State Librarian shall purchase copies of the "Kentucky Directory 1952," in the same quantity, for the same price, and under the same terms and conditions, and distribute the copies in the same manner and to the same persons and places, as provided in Chapter 269 of the Acts of 1948 for the 1948 Kentucky Directory. Payment therefor shall be made out of the sum appropriated for that purpose for the 1952-53 fiscal year.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Clarence J. Barnum	William W. Blanton
Henry Arrowood	Owen Billington	J. C. Bradley

Ed T. Breathitt	E. R. Hilton	Joe Rouse
Edw. O. Bridgers	Ray Holbrook	Carl J. Ruh
Alex H. Calvert	Chester J. Holsclaw	Amos Runyon
Walter J. Chyle, Jr.	William M. Horn	Cecil Sanders
Lewis W. Combest	Jesse H. Lawrence	Clem Schroader
Marvin A. Cornett	Paul M. Lewis	Dr. B. F. Shields
R. Josh Cosby	Mrs. J. T. Linton	E. A. Spencer
C. E. Dowell	Harry K. Lowman	Mrs. Thelma Stovall
James A. Dressman, Jr.	Shelby McCallum	Albert Thomason
Jack Early	Russell L. Meadows	Wm. F. Threlkeld
Harold Edwards	Tom Mobley	Marion Vance
William Engle	Robert H. Moore	Eulick (Mike) Walsh
Roscoe Estep	Walter R. Moorman	Wm. T. Wathen
Herbert Fern	Fred H. Morgan	L. M. Weathers
Leslie Gay	Thomas J. Murphy	Hicks Wells
Henry J. Giles	Bart N. Peak	William B. Wells
Charles M. Greene	Louis T. Peniston	W. A. (Pete) Wickliffe
Eugene B. Hancock	Hobart Rayburn	Walker H. Wiseman
Farmer Helton	Tipton Reed	Garrett L. Withers
Thomas D. Hewlett	J. F. Robinson	
Henry R. Heyburn	Earl Rogers	—67

There voted in the negative—

William L. Jones —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. Res. No. 23. A RESOLUTION authorizing the payment of costs and attorneys' fees in the contest case of Frazier v. Greene.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated out of the Legislative Fund the sum of $600 to the Honorable Joseph J. Leary, attorney for contestant; the sum of $300 to the Honorable Kenneth H. Tuggle, attorney for contestee; the sum of $300 to the Honorable Carlos Beaumont Pope, attorney for contestee; the sum of $85 to Charles M. Greene for depositions taken in connection with said contest; and the Commissioner of Finance is hereby directed to draw his warrants upon the State Treasurer in favor of the above mentioned parties for the amounts above specified.

Ordered that said resolution be read at length the third time.

The Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Marvin A. Cornett	Henry J. Giles
Henry Arrowood	R. Josh Cosby	Charles M. Greene
Clarence J. Barnum	C. E. Dowell	Eugene B. Hancock
Owen Billington	James A. Dressman, Jr.	Farmer Helton
William W. Blanton	Jack Early	Thomas D. Hewlett
J. C. Bradley	Harold Edwards	Henry R. Heyburn
Edw. O. Bridgers	William Engle	Ray Holbrook
Alex H. Calvert	Roscoe Estep	Chester J. Holsclaw
Walter J. Chyle, Jr.	Herbert Fern	William M. Horn
Lewis W. Combest	Leslie Gay	Jesse H. Lawrence

Paul M. Lewis	Louis T. Peniston	Albert Thomason
Mrs. J. T. Linton	Hobart Rayburn	Wm. F. Threlkeld
Harry K. Lowman	Tipton Reed	Marion Vance
Shelby McCallum	J. F. Robinson	Eulick (Mike) Walsh
Russell L. Meadows	Earl Rogers	Wm. T. Wathen
Tom Mobley	Joe Rouse	L. M. Weathers
Robert H. Moore	Carl J. Ruh	Hicks Wells
Walter R. Moorman	Clem Schroader	William B. Wells
Fred H. Morgan	E. A. Spencer	Walker H. Wiseman
Thomas J. Murphy	Mrs. Thelma Stovall	Garrett L. Withers

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Those who voted in the negative were—

Ed T. Breathitt	William L. Jones	Amos Runyon
E. R. Hilton	Bart N. Peak	Dr. B. F. Shields

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration Senate Amendment to H. B. 223.

Said amendment is as follows, viz:

Amendment No. 1. Amend printed copy of H. B. 223 on page 2 Subsection 3, line 25, so that, as amended, said line will read: (3) Except as provided in KRS 177.046, cities may,

Mr. Lowman moved that the House do now concur in said amendment.

Said motion was agreed to.

Said amendment was adopted.

Thereupon, Mr. Lowman moved the passage of H. B. 223 as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Charles M. Greene	Louis T. Peniston
Sidney Baer	Eugene B. Hancock	Hobart Rayburn
Clarence J. Barnum	William K. Henry	Tipton Reed
Owen Billington	Thomas D. Hewlett	Joe Rouse
William W. Blanton	Henry R. Heyburn	Carl J. Ruh
J. C. Bradley	Chester J. Holsclaw	Amos Runyon
Edw. O. Bridgers	William M. Horn	Clem Schroader
Alex H. Calvert	Paul S. Jonas	E. A. Spencer
Walter J. Chyle, Jr.	William L. Jones	Mrs. Thelma Stovall
Lewis W. Combest	Jennings Kearby	Albert Thomason
Marvin A. Cornett	Paul M. Lewis	Wm. F. Threlkeld
R. Josh Cosby	Harry K. Lowman	Marion Vance
James A. Dressman, Jr.	G. Lee McClain	Eulick (Mike) Walsh
Thomas R. Duncan	Russell L. Meadows	Wm. T. Wathen
Jack Early	Robert H. Moore	Hicks Wells
William Engle	Walter R. Moorman	William B. Wells
Roscoe Estep	Thomas J. Murphy	W. A. (Pete) Wickliffe
Herbert Fern	Ewin C. Neville	Walker H. Wiseman
Henry J. Giles	Bart N. Peak	Garrett L. Withers

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Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration Senate Amendment by way of Committee Substitute to H. B. 11.

Said Substitute is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsection (15) of section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

The regular term of each court shall commence in county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

* * * * *

(15) **Fifteenth District.** Boone County, at Burlington, on the second Monday in April, August and December, twelve juridical days each.

Carroll County, at Carrollton, on the fourth Monday in April, August and November, twelve juridical days each.

Gallatin County, at Warsaw, on the third Monday in March and third Monday in June, twelve juridical days each; on the third Monday in November six juridical days.

Grant County, at Williamstown, on the first Monday in February and October, eighteen juridical days each; on the first Monday in July, twelve juridical days.

Owen County, at Owenton, on the first Tuesday after the fourth Monday in February and October, seventeen juridical days each; on the third Monday in July, eighteen juridical days.

Section 2. This Act shall become effective on September 1, 1952.

Mr. Lowman moved that the House do now concur in said amendment.

Said motion was agreed to.

Said amendment was adopted.

Thereupon, Mr. Lowman moved the passage of H. B. 11 as amended, by way of committee substitute.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	Eugene B. Hancock	Louis T. Peniston
John Rhea Banton	William K. Henry	Hobart Rayburn
Clarence J. Barnum	Thomas D. Hewlett	Tipton Reed
William W. Blanton	Henry R. Heyburn	J. F. Robinson
J. C. Bradley	Chester J. Holsclaw	Joe Rouse
Edw. O. Bridgers	William M. Horn	Carl J. Ruh
Alex H. Calvert	Paul S. Jonas	Amos Runyon
Lewis W. Combest	William L. Jones	Clem Schroader
Marvin A. Cornett	Paul M. Lewis	Dr. B. F. Shields
R. Josh Cosby	Harry K. Lowman	Wm. F. Threlkeld
Charles M. Crowe	Shelby McCallum	Eulick (Mike) Walsh
C. E. Dowell	Russell L. Meadows	Wm. T. Wathen
James A. Dressman, Jr.	Tom Mobley	Morris Weintraub
Jack Early	Walter R. Moorman	Hicks Wells
Harold Edwards	Fred H. Morgan	William B. Wells
William Engle	Thomas J. Murphy	W. A. (Pete) Wickliffe
Herbert Fern	Ewin C. Neville	Walker H. Wiseman
Henry J. Giles	Bart N. Peak	Garrett L. Withers
Charles M. Greene		

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Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration Senate Amendments to H. B. 95.

Said amendments are as follows, viz:

Amendment No. 1 to House Bill No. 95

By Striking from the printed copy Sub-section 4, of Section 9, in its entirety, as the same appears on page 10, lines 40 to 49 inclusive; and inserting in lieu thereof the following:

(4) Every supplier of gas, water, telephone service and electric current operating in the county shall on the fifth business day of each month furnish to the county court clerk a certified report containing the names of all persome for whom, during the calendar month immediately preceding, gas, water, electric current or telephone service has been installed, moved to another location or discontinued, with the address at which the services were so installed, removed or discontinued. Such information shall be treated as confidential and shall be used by the clerk and county board only for the purpose of correcting its records as provided in this Section.

Amendment No. 2, to House Bill No. 95

By striking from the printed bill all of Sub-section 3, of Section 28, as the same appears on lines 16 and 17, on page 22, and on lines 18 to 29 inclusive on page 23, and inserting in lieu thereof the following:

(3) Every gas, water, electric light and telephone company operating in a city of the first class shall, on the fifth business day of each month, furnish to the

board of registration commissioners a certified report containing the names of all persons for whom, during the calendar month immediately preceding, gas, water, electric light or telephone service has been installed, moved to another location or discontinued, with the address at which the services were so installed, removed or discontinued. Such information shall be treated as confidential and shall be used by the board only for the purpose of correcting its records as provided in this Section. Every department of the city shall, every Monday, furnish the board with the names and addresses of all persons who have, to the official knowledge of the department, moved during the preceding week.

Amendment No. 3 to House Bill No. 95

On page 15, section 17, line 13, by striking the word "major" and inserting the word "mayor" therefor.

Amendment No. 4 to House Bill No. 95

On page 15, section 17, line 23, by striking the word "major" and inserting the word "mayor" therefor.

Mr. Lowman moved that the House do now concur in amendments 1, 2, 3 and 4 as above set out.

Said motion was agreed to.

Said amendment was adopted.

Thereupon, Mr. Lowman moved the passage of H. B. 95 as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Leslie Gay	Bart N. Peak
Sidney Baer	Henry J. Giles	Louis T. Peniston
John Rhea Banton	Charles M. Greene	Tipton Reed
Clarence J. Barnum	Eugene B. Hancock	J. F. Robinson
Owen Billington	Thomas D. Hewlett	Joe Rouse
William W. Blanton	Henry R. Heyburn	Carl J. Ruh
J. C. Bradley	William M. Horn	Amos Runyon
Edw. O. Bridgers	Paul S. Jonas	Clem Schroader
Alex H. Calvert	William L. Jones	E. A. Spencer
Walter J. Chyle, Jr.	Jennings Kearby	Mrs. Thelma Stovall
Marvin A. Cornett	Jesse H. Lawrence	Albert Thomason
R. Josh Cosby	Paul M. Lewis	Wm. F. Threlkeld
Charles M. Crowe	Mrs. J. T. Linton	Eulick (Mike) Walsh
C. E. Dowell	Harry K. Lowman	Wm. T. Wathen
James A. Dressman, Jr.	Russell L. Meadows	Hicks Wells
Jack Early	Tom Mobley	William B. Wells
Harold Edwards	Fred H. Morgan	W. A. (Pete) Wickliffe
William Engle	Thomas J. Murphy	Walker H. Wiseman
Herbert Fern	Ewin C. Neville	Garrett L. Withers

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Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration Senate amendment to H. B. 82.

Said amendment is as follows, viz:

Amendment No. 1. By amending the title after the word proceedings by adding the words: "This Bill is to be called the Helton-Golden Bill."

Mr. Lowman moved that the House do now concur in said amendment.

Said motion was agreed to.

Said amendment was adopted.

Resolved that the title of said bill be as aforesaid.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 70. AN ACT relating to motor transportation and motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 281.630 of the Kentucky Revised Statutes is amended to read as follows:

(1) A certificate shall be granted to any qualified applicant therefor authorizing the whole or any part of the operations covered by the application, if it is found that the applicant is fit, willing and able properly to perform the service proposed and to conform to the provisions of this chapter and the requirements, rules and regulations of the department thereunder, and further, that the existing transportation service is inadequate, and that the proposed service to the extent to be authorized by the certificate is, or will be, required by the present and future public convenience and necessity, and that the proposed operation to the extent authorized by the certificate will be consistent with the public interest and the transportation policy declared in this chapter; otherwise the application shall be denied.

(2) No certificate shall be issued for the operation of an industrial bus, even if public convenience and necessity is shown, unless existing common carriers serving the route, or any part thereof, or the contiguous territory, shall refuse to furnish the service found to be necessary within thirty days after the hearing.

(3) In granting a certificate, the order, among other things, shall specify the route or routes of service and territory to be served, provided that where the certificate to be granted specifies a route or routes or portion of a route or routes common to a certificate or certificates authorizing the same type of operation held by the applicant, all such certificates shall constitute but a single operating authority over that portion of the route or routes common to the certificates. The order granting a certificate shall not limit the number of vehicles to be operated by the motor carrier except that, in the granting of a certificate for the operation of taxicabs, the order shall specify the maximum number of taxicabs to be operated thereunder.

(4) A carrier shall be entitled to have issued to it by the department as many certificates, and of such types, as will cover its entire authorized operation.

(5) A permit shall be granted to any qualified applicant therefor authorizing in whole or in part the operations covered by the application, if it appears from the application and the hearing held thereon that the applicant is fit, willing and able properly to perform the service of a contract carrier by motor vehicle and to conform to the provisions of this chapter and the lawful requirements, rules and regulations of the department thereunder, and that the proposed operation to the extent authorized by the permit will be consistent with the public interest and the transportation policy declared in this chapter, and that it will not unreasonably impair the efficient public

service of any authorized common carrier then adequately serving the same territory; otherwise such application shall be denied. The department shall specify in the permit the business of the contract carrier covered thereby and the scope thereof, and shall attach to it at the time of issuance, and from time to time thereafter, such reasonable terms, conditions and limitations consistent with the character of the holder as a contract carrier as are necessary to carry out with respect to the operations of such carrier the requirements established by the department.

(6) Amendment or change of route or abandonment of a certificate or permit shall be granted upon the same basis that an original certificate or permit is granted.

(7) Any certificate or permit may be sold, assigned, leased or transferred, after a hearing and notice to interested parties as provided for in K.R.S. 281.625, provided the transferee is fit, willing and able to render the proposed service, unless it would be against the public interest and provided further that the commissioner may approve the sale and transfer of a certificate for the operation of taxicabs without a hearing if, after due notice of the proposed sale or transfer is given to all interested parties in accordance with the rules and regulations of the department, no protest is filed to the proposed sale or transfer and the commissioner believes that it will be in the public interest.

(8) For the purpose of this section, a transfer of the controlling stock of a corporation owning a certificate or permit may be considered a transfer of said certificate or permit.

(9) Upon the consummation of a merger or consolidation of motor carriers as effected under the provisions of K.R.S. Chapter 271, the surviving or new corporation, as the case may be, shall own and possess all of the certificates, permits,

authorizations, licenses, rights, privileges, franchises and properties owned or possessed by each of such motor carriers; and if such merger or consolidation is set aside, the certificates, permits, authorizations, licenses, rights, privileges, franchises and properties acquired by the surviving or new corporation through the merger or consolidation shall become revested in the corporation from which acquired, unless disposed of, subject to such indebtedness and liens as may be equitable, and all other properties of the surviving or new corporation shall become vested in the constituent corporation in such manner as may be fair and equitable.

(10) (a) Notwithstanding the provisions of subsection (4) of this section, where a motor carrier has been granted two or more certificates or permits authorizing the same type of operation over a route or routes or a portion of a route or routes common to two or more of the certificates or permits, the carrier shall be deemed to possess only one operating authority over that portion of the route or routes common to the certificates or permits.

(b) The department is authorized to recall any of the certificates or permits described in paragraph (a) and to reissue one or more certificates covering the exact authority.

Section 2. It is the purpose of Subsection (3) and (10) of Section 1 of this Act to further clarify the provisions of K.R.S. 281.630 relating to the application of the administrative and judicial interpretations of the Federal Motor Carrier Act to the administration of Chapter 281 of the Kenutcky Revised Statutes.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Dr. John Adkins, Jr.	Harold Edwards	Walter R. Moorman
Sidney Baer	William Engle	Thomas J. Murphy
John Rhea Banton	Herbert Fern	Bart N. Peak
Clarence J. Barnum	Henry J. Giles	Louis T. Peniston
Owen Billington	Charles M. Greene	Hobart Rayburn
William W. Blanton	Eugene B. Hancock	Tipton Reed
J. C. Bradley	William K. Henry	J. F. Robinson
Edw. O. Bridgers	Henry R. Heyburn	Carl J. Ruh
Alex H. Calvert	Chester J. Holsclaw	Amos Runyon
Walter J. Chyle, Jr.	William M. Horn	Clem Schroader
Lewis W. Combest	William L. Jones	Dr. B. F. Shields
Marvin A. Cornett	Jesse H. Lawrence	Mrs. Thelma Stovall
R. Josh Cosby	Paul M. Lewis	Albert Thomason
Charles M. Crowe	Harry K. Lowman	Wm. F. Threlkeld
C. E. Dowell	Russell L. Meadows	Eulick (Mike) Walsh
Jack Early	Robert H. Moore	Wm. T. Wathen

Hicks Wells W.A.(Pete) Wickliffe Garrett L. Withers
William B. Wells Walker H. Wiseman —53

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said Bill be returned to the Senate.

SENATE MESSAGE

A message was received from the Senate announcing that they had concurred in and passed bills originating in the House of the following titles, viz:

H. B. No. 4. AN ACT changing the classification of the city of Elsmere, in Kenton County.

H. B. No. 15. AN ACT changing the classification of the city of Worthington in Greenup County.

H. B. No. 58. AN ACT relating to zoning and planning in cities of the second class and in counties containing such a city.

H. B. No. 116. AN ACT relating to terms of court in the Twenty-Fourth Judicial District.

H. B. No. 149. AN ACT to amend sections 247.250, 247.280, 247.330, 247.340, 247.350, 247.370 of the KRS relating to county farm bureaus and a state federation of county farm bureaus.

H. B. No. 173. AN ACT concerning the development and promotion of the sheep industry in Kentucky.

H. B. No. 204. AN ACT relating to the acquisition of industrial buildings and equipment by cities, amending section 103.200 of the KRS.

H. B. No. 226. AN ACT further empowering the Commissioner of Highways to establish certain highways through fourth, fifth, and sixth class cities.

H. B. No. 227. AN ACT relating to the Department of Welfare, amending Section 439.100 of the KRS.

H. B. No. 115 returned to the House.

Ordered that said bill be delivered to the Enrolling Clerk.

The Senate message further announced that they had passed a bill originating in that body, said bill by its title only, is as follows, viz:

S. B. No. 96. AN ACT relating to Public Police Officers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. No person shall falsely represent himself to be an officer, agent or employee of any police department of this state or any of its subdivisions, or any other state or its subdivisions, or in such assumed character arrest, detain, question or search in any manner the person or property of anyone; nor shall any person wear without authority the uniform, or insignia, of any police department of this state or its subdivisions, or any uniform or insignia likely to be confused with the uniform or insignia of any of these departments.

SECTION 2. Any person who violates section one of this Act shall be fined not less than fifty dollars ($50.00) nor more than

one hundred dollars ($100.00) or imprisoned for a period not exceeding six months or both.

Said bill was ordered printed and referred.

REFERAL OF BILLS

House Bill 300—Education

Senate Bill 189—Kentucky Statutes No. 2

Mr. Lowman moved that the rules of the House be suspended for the purpose of introducing bills.

Said motion was agreed to.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Mr. Morgan, Ruh and Mobley

H. B. No. 427. AN ACT relating to the General Assembly, providing for the compensation and travel allowances for members thereof and the President of the Senate.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 6.190 of the Kentucky Revised Statutes is amended to read as follows:

Beginning as of January 1, 1956, the members of the General Assembly shall receive compensation at the rate of one hundred dollars per month during their term, except that such amount shall not be received for any month in which the mem-

bers are in actual attendance upon either a Regular or Extraordinary Session of the General Assembly for all or a part of such month. For each day of actual attendance upon the sessions of the General Assembly each member, other than the Speaker of the House of Representatives, shall receive twenty-five dollars per day, and the President of the Senate and the Speaker of the House of Representatives shall each receive thirty dollars per day. Each member of the General Assembly, and the President of the Senate, shall receive ten cents per mile for the necessary travel in going to and returning from the sessions of their respective Houses, provided that no member shall be paid such travel expense for more than one round trip every two weeks.

Said bill was ordered printed and referred.

By Mr. Moore

H. B. No. 428. AN ACT relating to the compensation of County judges pro tem in certain counties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Notwithstanding the provisions of KRS 64.530, or any other laws to the contrary, the county judge in counties containing a city of the fourth or fifth class is authorized to fix the annual salary of the county judge pro tem at an amount not in excess of one-half of the annual compensation received by the county judge.

Said bill was printed and referred.

Mr. Lowman moved that the rules of the House be suspended for the purpose of introducing bills.

Said motion was agreed to.

COMMITTEE REPORTS

Mr. Ruh, Chairman of the Committee on Cities of the Second Class, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 391. AN ACT concerning pensions for policemen and firemen in cities of the second and third classes.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and Ordered placed in the Calendar.

Mr. Ruh, Chairman of the Committee on Cities of the Second Class, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 107. AN ACT relating to a sewer district in cities of the second class and counties containing such cities.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Mr. Withers, Chairman of the Committee on Roads and Highways, to which same had been previously referred, reported a bill of the following title, viz:

H. B. No. 255. AN ACT relating to speed limits on certain public roads.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and Ordered placed in the Calendar.

Mr. Lowman moved that the House do now adjourn until 11.00 o'clock a.m., Thursday, February 28, 1952.

Said motion was agreed to.

And then the House adjourned.